

# A Taylorian Approach to Social Imaginaries. The Origins of Chile's Democratic Culture

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## I. INTRODUCTION

### 1. The present malaise: Legitimation crisis in contemporary Chile

"If the Arab Spring has lost its bloom halfway across the world, people here are living what some have come to call a Chilean Winter. Segments of society that had been seen as politically apathetic only a few years ago, particularly the youth, have taken an unusually confrontational stance toward the government and business elite, demanding wholesale changes in education, transportation and energy policy."

New York Times, August 5, 2011

As Jürgen Habermas wrote, crises of capitalism tend to evolve into crises of representative democracy.<sup>1</sup> However, the 2011 outbreak of mass demonstrations in Chile suggest that in this case a different interpretation is needed. Unlike Spain and Greece, countries which have been affected by approximately five years of contracting economies and record high unemployment rates, Chile has enjoyed steady economic growth and low unemployment. And yet during this period, socio-economic inequality in Chile has systematically increased and the perception of many lower and middle class people is that life has become more difficult to endure. As a result, since 2006 Chile's so-called neoliberal 'success story' has been assaulted by unprecedented social protest.

The student mobilizations of 2011 overtly rejected the Chilean educational system built during the 1980s under the Pinochet dictatorship, the culmination of which was the enactment of the *Ley Orgánica Constitucional de Enseñanza* (LOCE) in 1990. This law allows the private sector a high level of participation as a provider of education leaving the state in a largely regulative role. In their protests, students were joined by many segments of the population including teachers, workers, intellectuals and *pobladores* (shanty town dwellers), and there was widespread recognition that these protests were the largest Chile had seen for decades. It became clear during the course of 2011 that protests were not only about particular reforms regarding such matters as access to higher education, grants and funding, improved conditions for university loans, or more transparency in the system but more importantly a reflection of a 'deep discontent' among some parts of society with respect to the country's high inequality levels, to the point that reform alone would not have satisfied citizens' aspirations.<sup>2</sup> Eventually the discussion moved towards challenging the 'individualistic model' of education and other

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<sup>1</sup> Jürgen Habermas, *Legitimation Crisis*, Boston: Beacon Press 1975

<sup>2</sup> Gideon Long, "Chile Student Protests Point to Deep Discontent", *BBC News* (11 August 2011), Retrieved from <http://www.bbc.com/news/>

areas of social protection, which in Chile are considered 'services' or 'consumer goods'. In this respect, some scholars have interpreted this shift in the national debate as a change of paradigm, from market goods to social rights.<sup>3</sup>

Underpinning the critique of the educational system and its concomitant segregation and inequality, these recent social movements have articulated a coherent discourse which directly confronts the political system as a whole and in particular the Political Constitution of 1980, written during the Pinochet dictatorship. All the issues raised by these movements –such as free public education, public health care, the elimination of the current private pension system (AFPs), reform of the tax system, greater autonomy for the regions, and crucially, a demand for a new constitution born in democracy— bespeak the need of a re-founding of Chile's basic institutions to include the citizenry in the political process. Moreover, in recent years the country has seen a proliferation of new forms of citizen self-rule, such as the *Asambleas Ciudadanas* (Citizen Assemblies). These are horizontal forms of decision-making by which agreements are reached in consensus amongst the local citizens involved. Citizen Assemblies have arisen in Magallanes, Aysen, Calama, Freirina, amongst other cities where people have decided to act autonomously, having become tired of waiting for solutions from the central government. Some of these cities have also organized street demonstrations as a means of putting pressure on the government. The 2011 protests in Magallanes, for instance, were provoked by the rising of natural gas prices in the region and only came to an end after Minister Laurence Golborne and the Citizen Assembly of Magallanes reached an agreement. Finally, 2013 was a year marked by a national debate on the need for a Constituent Assembly<sup>4</sup> as the only appropriate means for producing a new constitution—a topic hotly discussed by the candidates running in the presidential elections that year. According to a recent survey by the *Centro de Estudios Públicos*, 45 per cent of the population is in fact in favor of a Constituent Assembly.<sup>5</sup>

Meanwhile, a crisis of representation is something that nobody would dare to deny. In repeated surveys the National Congress consistently exhibits a meager 15 per cent credibility or public trust rate. A recent study determined that this number fell to 9 per cent in the 18-35 year-old category.<sup>6</sup> The judiciary, political parties and politicians fare even worse. Although under the current conditions of full employment and (until recently) historically high copper prices one

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<sup>3</sup> Fernando Atria, "Sobre el Cambio de Paradigma en Educación: Gatopardismo y 'Anti-gatopardismo'", The Clinic (9 July 2013), Retrieved from <http://www.theclinic.cl/>

<sup>4</sup> A Constituent Assembly (also known as Constitutional Assembly) is a body set up for the specific purpose of drafting a constitution. In Chile, the recent demand is for an inclusive assembly that would reflect the plurality of voices as well as a fair representation of the regions. This radical aspiration for participation would not be satisfied by transforming the current National Congress into a Constituent Assembly.

<sup>5</sup> Centro de Estudios Públicos, *Estudio Nacional de Opinión Pública No. 70* (September - October 2013), Retrieved from [http://web.vrserver2.cl/cepchile/encuestaCEP\\_sep-oct2013-completa.pdf](http://web.vrserver2.cl/cepchile/encuestaCEP_sep-oct2013-completa.pdf)

<sup>6</sup> "Crisis de las Instituciones Políticas se Mantiene y Credibilidad en el Congreso Alcanza el 9%", *Diario Uchile* (27 August 2013), Retrieved from <http://radio.uchile.cl/>

cannot speak of an 'institutional crisis', there is ample evidence of a lack of legitimacy and representation of the citizenry in Chilean political institutions.

Like the earthquake a year earlier, the protests in 2011 shook the old political structures and gave citizens a new sense of being empowered and informed about fundamental issues of national interest. But where did the malaise come from? Why did 1.2 million people protest in the streets throughout Chile during a week of August in 2011? Why did over 80 per cent of the citizenry support the student movement? Why the re-emergence of Citizen Assemblies all over the country? How should we understand the citizens' radical demand for a new Constitution to be fashioned and formulated through an inclusive Constituent Assembly? In short, given the country's reputation of being one of the oldest and most stable democracies and one exhibiting an economy that according to the World Bank, makes it "one of South America's most stable and prosperous nations"<sup>7</sup>, how can the ongoing protests and public signs of discontent since 2006 be explained?

Amongst the voices from academia supporting the idea that there is a profound crisis, Manuel Antonio Garretón distinguishes two main stances which taken together summarize the scholarly debate in Chile. "For some, there is a terminal crisis even if it does not derive into a new model capable of replacing the old one. For others, this [the establishment of a new model] will be the task of a new self-generated popular subject, without any connection to institutional politics."<sup>8</sup> The sociologist Alberto Mayol has defended the first stance. In his book *El Derrumbe del Modelo*, Mayol puts forward the thesis that the 'social market economy' model installed in Chile during the 1970s and 1980s (and sustained by the 1980 Constitution), has not only failed to provide public goods; its legitimacy –based on a specific neoliberal economic conception— has completely worn out, and has now reached a point of no return. "And this is the only true thesis of the malaise: what hurt was real, what hurt produced an outbreak grounded on a simple fact: that the model produced discomfort; the model had failed in producing social well-being and legitimacy; it simply didn't do that. The model failed in areas a society cannot permit failure: education, health, pensions, and inclusion in development."<sup>9</sup> Mayol denounces two things. First and most obviously, that the crisis of legitimacy of the Chilean model is due to a deregulated and oligopolistic economy which is misleadingly called a free-market economy. On the other hand, he explicitly recognizes that the current crisis is inextricably linked with a typically Chilean democracy 'of low political intensity', by which representation is completely divorced from 'the

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<sup>7</sup> World Bank, *Chile: Data by Country*, Retrieved from <http://data.worldbank.org/country/chile>. See also BBC News, *Chile Country Profile*, Retrieved from [http://news.bbc.co.uk/2/hi/americas/country\\_profiles/1222764.stm](http://news.bbc.co.uk/2/hi/americas/country_profiles/1222764.stm)

<sup>8</sup> Manuel Antonio Garretón, *Neoliberalismo Corregido y Progresismo Limitado: Los Gobiernos de la Concertación en Chile, 1990-2010*, Santiago: Editorial ARCIS-CLACSO 2012, p. 12. NOTE: All translations from sources in Spanish are the author's unless otherwise attributed.

<sup>9</sup> Alberto Mayol, *El Derrumbe del Modelo. La Crisis de la Economía de Mercado en el Chile Contemporáneo*, second edition, Santiago: LOM Ediciones 2013, p. 113

social world'. In connection to the latter, Mayol refers to the 'foundational myth' created in Chile about the 'strength' of its institutions as they were conceived and organized by our forefathers during the origins of the Republic and observes in this respect that, going precisely against that myth, the 2011 student movement "made clear that institutions had been a mere platform of the elite, which utilized them in order to obtain through them legitimacy on decisions whose validity had neither a hold on reason nor in political representation. That's why the year 2011 marks the fall of institutions."<sup>10</sup>

The second stance identified by Garretón has been articulated and advocated by the social historian Gabriel Salazar. He also interprets the present situation as a crisis of representation and legitimacy, a phenomenon that in his view has been dragging on for several decades and is deeply rooted in Chilean history. However, contrary to Mayol, Salazar does not believe that the system will collapse from its own weight, since systems would know how to preserve themselves in critical times. According to this historian, neither a governmental changeover nor the recent student pressures –which until now have been operating following a 'petitionist logic' rather than in a sovereign and positive attitude of proposing— will be able to overcome the crisis in the short run. Real change will only come through a progressive self-empowerment of communities and the growth of a self-governance culture with active participation at the local level. In this sense, Salazar looks kindly on the emergence of territorial assemblies all over the country which the government has been forced to negotiate with in recent years.<sup>11</sup>

Garretón discusses some of these diagnoses and proposes a specific solution to the problem. The legitimacy crisis and the functional crisis affecting the political system, respond to two different situations. The first involves the inherited political institutions of the Pinochet dictatorship, while the second refers to the historical way in which politics and society have related to each other in Chile, two factors which in turn prevented the 2011 movement ("a moment of rupture and potentially re-founding") from "becoming a process".<sup>12</sup> In Garretón's opinion, a Constituent Assembly is the best and only way to reconfigure the relationship between the political and the social and simultaneously replace the questioned neoliberal model.

If we consider the more immediate historical context, the current political crisis can be explained by returning to 1980, the year when Pinochet and his allies drafted and dictated the constitution which is still in force today. This is the approach taken by constitutional lawyer Fernando Atria in his book *La Constitución Tramposa*.<sup>13</sup> Despite many reforms to the 1980 Constitution throughout the years, the 2006 and the 2011 student movements should be

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<sup>10</sup> *Idem*, p. 138

<sup>11</sup> Gabriel Salazar, *En Nombre del Poder Constituyente. Chile, Siglo XXI*, Santiago: LOM Ediciones 2011

<sup>12</sup> Garretón, *op. cit.*, p. 13

<sup>13</sup> Fernando Atria, *La Constitución Tramposa*, Santiago: LOM 2013



understood, according to this author, as a direct reaction to this (illegitimate) constitution and its still unreformed 'traps':

"2011... was the year in which something hidden until then became clear: thirty years living under Pinochet's regime of constitutional law was enough. In other words, the Chilean people no longer accepted that the fundamental terms of common life were those defined by Pinochet or his supporters, or those terms modified according to what these supporters –exercising their veto power– accepted."<sup>14</sup>

The nature of Pinochet's constitutional laws –which we will discuss in part IV of this thesis in some detail– reduced institutional politics to a futile game by which the will of the majority could always be vetoed in Parliament. This is how Atria explains the discredit of representative institutions and the consequent crisis of legitimacy. "It's irrelevant that people demonstrate, for example to end for-profit education because it's not up to the people, through political agency, to decide on this: it's up to the heirs of Pinochet who always will have their veto available to avoid such reform."<sup>15</sup> Like Garretón, Atria believes that the only way out of the crisis is through a Constituent Assembly, which would re-found the relationship between the citizenry and the state.

## **2. The anti-democratic matrix of the Chilean state – a long-term perspective**

In order to get a grasp of what has been going on, one can adopt a short-term perspective and trace the current crisis back to the years of the military dictatorship when the political and economic model that today is under challenge was established. Citizens' present political experience of frustration together with recent 'political memory' that includes the maintenance of the *status quo* by the *Concertación* governments after the 1990 'transition to democracy', have led to an increased distancing of people from their political representatives –especially amongst the youth.<sup>16</sup> We can, however, understand the current legitimacy crisis from a greater historical perspective. The recent protests seem to express a profound critique against democracy, as this modern ideal has been interpreted and practiced in Chile. My claim is that on a deeper level

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<sup>14</sup> *Idem*, p. 87

<sup>15</sup> *Ibidem*.

<sup>16</sup> For a critical examination of Chile's (pacted) democratic transition see José Joaquín Brunner, "Chile: Claves de una Transición Pactada", *Nueva Sociedad*, 106 (March-April) 1990, pp. 6-12; Tomás Moulian, "Limitaciones de la Transición a la Democracia en Chile", *Proposiciones*, 25, 1994; Paul W. Posner, *Popular Representation and the Legacy of Chile's Pacted Democratic Transition*, Duke-University of North Carolina Program in Latin American Studies 1997; Óscar Godoy Arcaya, "La Transición Chilena a la Democracia: Pactada", *Estudios Públicos*, 74 (autumn) 1999

recent social unrest must be viewed as a political manifestation against a restrictive ‘politics of representation’ which –as this thesis will attempt to show—stands as one of the most distinctive elements of Chile’s democratic culture as this has evolved over the last two centuries. With good reason, the political scientist Alfredo Joignant described the current situation as a “breach in which what’s under dispute is the sense of collective life”, adding that “Everything is under discussion... this is unprecedented.”<sup>17</sup> But such open dispute on the ‘sense of collective life’ is not new. It is a cyclical phenomenon in the history of Chile which, depending on the circumstances of the day, surfaces after periods of latency. In my view, the current legitimization crisis can be explained as *a clash of two socio-political imaginaries* whose first traces are already visible during early republican life and which together constitute Chile’s political culture. According to this longer-term approach we need to return to the founding period when the nation and the state were built and delve into the origins of the Chilean constitutional tradition. The ‘founding clash’ of political self-interpretations and its outcome which took place between 1810 and 1833 determined path-dependently the outlook of Chile’s democratic culture as we know it today, or so I want to argue in the pages that follow.

Social movements’ demands converge in the necessity of a Constituent Assembly as the only legitimate mechanism for producing a new and truly democratic Constitution, which would be able to address the historical ‘constitutional debts’ after two centuries of independent republican life: relative autonomy for the regions, real citizen participation, the promotion of a national industry, free public education, among others.<sup>18</sup> I speak of ‘historical debts’ for suggesting the existence of an accumulated ‘social memory’ that stretches throughout two hundred years of history. In this sense, the so-called Conservative and Liberal republics (1831-1891), the Parliamentary Republic (1891-1925), the National-Populist period 1925-73, and the current Neoliberal phase may be seen as avatars of an essentially anti-democratic state matrix. It is true that Jaime Guzmán –the main author of the 1980 Constitution— ‘inserted’ grave constitutional ‘traps’, to use Atria’s expression, leaving the people in a state of ‘political nullity’. However, I will argue that the process of alienation of the people as a potential political agent began right from the start of the Republic: during the so called ‘Portalian state’ as articulated in the 1833 Political Constitution. This constitution may be viewed in turn as the matrix of the essentially antidemocratic Chilean constitutional tradition. In fact, Chile’s political life –under the 1980 Political Constitution—is still, in many senses, ‘Portalian’: authoritarian, centralist, and non-representative.<sup>19</sup>

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<sup>17</sup> Alfredo Joignant, “El Modelo Chileno y lo que Viene”, cited in Mayol, op. cit., p. 28

<sup>18</sup> Gabriel Salazar, *Movimientos Sociales en Chile: Trayectoria Histórica y Proyección Política*, Santiago: Uqbar Editores 2012, pp. 445-450

<sup>19</sup> Fernando Mires, “El Declive del Estado Portaliano”, *El Mostrador* (12 April 2012), Retrieved from <http://www.elmostrador.cl>; Edison Ortiz, “La Nueva Mayoría y las Regiones: el Regreso al Orden Portaliano”, *El Mostrador* (28 March 2014), Retrived from <http://www.elmostrador.cl/>

### 3. The origins of Chilean democracy

“To start from a contemporary issue to reconstruct its genealogy  
before returning to it towards the end of the investigation,  
rich in teachings from the past:  
This should be the method to be developed in order to achieve  
the indispensable depth in a political analysis.”

Pierre Rosanvallon

I would like now to discuss the social and political contradictions behind the contemporary legitimization crisis in Chile by paying special attention to the founding period of the Republic, where a North-Atlantic modern social imaginary took shape in inextricable dependence on the historical traditions and circumstances of this ex-colonial Latin American country. I hope that by re-constructing the main facets of its political identity, Chile's current predicament will be enlightened and the public debate enriched. In this respect I closely follow the ideas developed by the Canadian political philosopher Charles Taylor when he wrote:

“If we want to go deeper into the bases for legitimacy and its loss, we have to understand more about the conceptions of the good life, the notions of human fulfillment, of human excellence and its potential distortion, which have grown up along with modern society. We need that finer-grained understanding... of the notions that have framed the identity of our contemporaries.”<sup>20</sup>

From this ‘internalist’ perspective –in which legitimacy is always dependent on the existing definitions of the good life within a particular political society— a fundamental question naturally arises: do the current political institutions and practices satisfy the democratic aspirations and self-understandings of the Chilean people and how do they do so? Historically, Chile's legal and political structures seem to have been justified instrumentally, in accordance with a *liberal-atomistic imaginary* which has nourished this political culture since the early part of the nineteenth century and which was combined with an authoritarian element inherited from colonial times. But these features do not exhaust Chile's democratic culture. Indeed we find such liberalism co-existing right from the beginning of the Republic with the presence of a *popular-democratic social imaginary* –in a way, coextensive to all the Hispano-American peoples. This latter affirms the value of community and citizen participation. Chilean social movements,

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<sup>20</sup> Charles Taylor, “Alternative Futures: Legitimacy, Identity, and Alienation in Late-Twentieth-Century Canada”, in Ch. Taylor, *Reconciling the Solitudes. Essays on Canadian Federalism and Nationalism*, Montreal & Kingston: McGill-Queen's University Press 1993, p. 66

in particular those of a political-constituent kind<sup>21</sup>, have not challenged liberalism *per se* but have sought to find a way of realizing popular sovereignty through greater participation and the establishment –through a constitution— of what they consider a truly liberal-democratic system. In doing so, they are heirs to that original popular social imaginary, which was violently suppressed and displaced from the political system after the 1829-30 civil war and the emergence of the Portalian state. The social movements of 1918-1925 and the recent social unrest from 2006 to the present are cases in point where a crisis of allegiance to official political practices and institutions emerges. The possibility of tracing the origins of this internal clash or struggle of self-interpretations requires taking a historical perspective.

What are the origins of Chile's democratic culture? How did it come into being?

After the second World War a group of American scholars, notably Robert Dahl, ushered in a theoretical tendency within democratic theory by articulating a set of universally-recognizable features of functioning democracies, or 'polyarchies', as he preferred to call them, since most would fail to meet fully the democratic ideal.<sup>22</sup> In particular, democracy could be said to exist only in those countries which displayed, firstly, a system of peaceful public contestation through suffrage and representative assemblies (the existence of an opposition party) and, secondly, a certain degree of popular participation in this system. Dahl observed that usually the first trait precedes the second in the real historical development of democratic regimes, as was the case during the nineteenth century in the North Atlantic world, where mainly 'oligarchical democracies' could be said to exist. Other scholars, like the sociologist Samuel Stouffer, began questioning the actual commitment of the people to the 'democratic creed' –e.g. norms of participation and political tolerance— as a basis for democracy.<sup>23</sup> Finally, the 'empirical democratic theory', through quantitative methodologies, has tried to explain, for instance, why some countries develop democratic systems and others do not by emphasizing the relationship between democracy and socio-economic determinants.<sup>24</sup>

Against these theoretical traditions, Chilean-American scholars Arturo and Samuel Valenzuela published one of the few existing studies in political science dealing explicitly with the issue of the origins of Chile's democracy.<sup>25</sup> In this study the authors start by pointing to the exceptional characteristic of the pre-1973 Chilean case, where despite its status as a relatively 'underdeveloped' country most studies situated it as 'one of the most democratic countries in

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<sup>21</sup> I mean by this social movements which explicitly aim at producing a new constitution.

<sup>22</sup> Robert A. Dahl, *A Preface to Democratic Theory*, Chicago: University of Chicago Press 1956; *Who Governs?*, New Haven: Yale University Press 1961; *Polyarchy: Participation and Opposition*, New Haven: Yale University Press 1971

<sup>23</sup> Samuel Stouffer, *Communism, Conformity, and Civil Liberties*, New York: 1955

<sup>24</sup> Seymour Martin Lipset, "Some Social Requisites of Democracy: Economic Development and Political Legitimacy", *American Political Science Review*, 53, 1 (March) 1959, pp. 69-105.

<sup>25</sup> Arturo Valenzuela & Samuel Valenzuela, "The Origins of Democracy: Theoretical Reflections on the Chilean Case", *Estudios Públicos*, 12 (autumn) 1983

the world' (which would have led Phillips Cutright and Robert Dahl to develop a keen interest in the Chilean polity). Despite the authors' adoption of a critical stance towards some of the above-mentioned theoretical contributions, it is no less true that their analysis draws on an uncritical adherence to Dahl's defining features of democratic regimes, which led them to focus exclusively on the historical emergence of institutionalized forms of participation and contestation in Chile, concluding that "for all intents and purposes,...the development of institutions of contestation and participation compare favorably in Chile to the development of comparable institutions in Europe and the United States."<sup>26</sup> When inquiring into the circumstances that brought about these democratic developments, the available cultural and economic perspectives are excessively deterministic according to these authors who suggest that "the study of democracy must take into account certain fortuitous events as well as the role of political leadership and of conscious choices on the part of elites."<sup>27</sup>

The problem with this kind of investigation is that it approaches the study of democracy as a general and universal phenomenon, which necessarily presupposes a number of previously defined constituent variables. But this darkens the rich picture of today's democratic landscape in the world. My approach, on the contrary, seeks to describe the *specificity* of Chilean democracy, emphasizing the differences that separate it from other political systems. In contrast to the American developmental theory and its search for general laws, this work follows the basic assumption suggested by Charles Taylor and other contemporary authors, namely, "that there are cultures of democracy, in the plural. Just as we have (many of us) stopped talking about *modernity* and speak now of *multiple modernities*, so we will have to recognize different democratic forms."<sup>28</sup> This requires retracing the steps of mainstream comparative political science and abandoning the 'minimalist' or electoral definition of democracy, or any *a priori* conception of this phenomenon. "What can we say in general about democracies?" –asks Taylor; and answers:— "Because of their differences, this will have to be something merely formal, with the content being filled in differently in each particular context."<sup>29</sup> To that formal dimension corresponds the 'social imaginary' –the way people imagine their social existence—, a notion which will be central to my investigation that I will define and describe in considerable detail in chapter 5. Since democracy is partly based on people's self-understandings and has to be 'imagined' in a concrete way in order to become institutionalized, I look at the particular way Chilean society has historically generated its democratic practices. For this reason I begin by analyzing Chile's founding transition to democracy, that is, that moment when preexisting cultural repertoires and imaginaries of the Chileans were affected by modern liberal and

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<sup>26</sup> *Idem*, p. 9

<sup>27</sup> *Idem*, pp. 22-23

<sup>28</sup> Charles Taylor, "Cultures of Democracy and Citizen Efficacy", *Public Culture*, 19, 1, 2007, p. 118

<sup>29</sup> *Idem*, p. 119

democratic ideas, practices and institution. This is the period when Chile as an independent nation was built, starting in the transitional year 1810.

Regarding this crucial historical transition, I want to give an account of the interplay between philosophical theories, ideologies and social imaginaries in the making of Chile's political modernity. Many historians have exaggerated the importance of ideology during the process of independence and the subsequent building of the Chilean state. European and North American theories and political models, which were spread through books, newspapers and public speeches, certainly had a great influence, but the real historical process cannot be reduced to the enlightened effect of these foreign ideas. In fact, before the arrival of these theories, the traditional understanding of the Chilean *pueblos* (local communities) assumed the existence of a community with rights, both in relation to other communities and to royal power; and also rights within the community: the *fueros* of the different members, e.g., each has his 'house' which cannot be taken away from him, electoral rights, etc. There was a contractual relation between king and people, but the original community and its rights in the popular imaginary were not based on a contract between individuals. There was instead the notion of a law 'since time immemorial' which established these rights. This was one of the great pre-modern notions of legitimacy in Spain and Europe in general. The great innovation of modern Natural Right was to add to the traditional contract between the sovereign and the people, a new stage in which the latter as a unit was established by individuals, the so-called 'contract of association' (as against the traditional contract now defined as a 'contract of subjection'). Thus, part of the difference between the imported philosophy of the North Atlantic (after 1810) and the traditional or 'colonial' understanding of the *pueblos* was that while the former was based on a thoroughgoing individualism, a kind of ontological individualism, the *pueblos* were seen as original loci of legitimate power bounding their members. These crucial differences will be explored in part III.

The North Atlantic political theory being imported at this time was composed of several different strands. Firstly, and drawing on a distinction used by Taylor, we could say that there is a Locke versus a Rousseau strand. While the first one was grounded on individuals and their rights, particularly property, the second was very much in the civic humanist tradition of a republic governed by a 'general will'. Secondly, there was an evolution in the value of 'democracy' in this tradition. As is well known, the term democracy originally had negative connotations: Aristotle saw it as one kind of class rule, by the poor and many, as against 'oligarchy' which favored the rich and well-born. And this mistrust or suspicion of 'democracy' remained until modernity was well advanced. The American founders steered clear of it. They feared the lack of civic virtue and restraint of the common people and the possibility that they would use their power to plunder the rich, devalue debt through inflation, and generally damage the interests of productive property owners. The solution of Madison's 'federalism' was to split

power between legislative, executive and judicial branches, and between federal and state government, creating obstacles to untrammelled governmental power. In addition, various elitist measures were built into the US federal constitution: a Senate nominated (in those days) by state governments, Presidents elected by notables in an electoral college (as against by the mass of the people), and so on. This was the American federalist philosophy, which assumed that for the most part educated and virtuous elites would take the leading roles in society.<sup>30</sup> From 1811 on, these liberal and republican theories begin to influence the Chilean imaginary. The strong antidemocratic tendency in North Atlantic theory, particularly in the Anglo-Saxon variant, is received and begins to be worked out by a group of *letrados* or intellectuals closely connected with Santiago's elite until crystalizing into an 'aristocratic interpretation' of republicanism with colonial authoritarian elements: the 1833 Constitution or Portalian state. The mighty influence of the United States of America on the Southern American nations gives an idea of how the Portales tendency in Chile could find comfort and support.

The imaginary of the *pueblos* which was anchored in a long tradition, on the other hand, smoothly transited from one pre-modern legitimacy principle to a modern one, without a radical break. Modern popular sovereignty could be invoked in Chile because it found a suitable institutional arrangement. During the *Patria Vieja* (Old Fatherland, 1810-1814) the creole tried (without much success) to articulate a modern republicanism using the theories of Rousseau, Montesquieu, and other European thinkers; but later on, the Chilean Federalists and the liberals of the 1820s elaborated a peculiarly 'Chilean' liberalism based on the communitarian notions of the *pueblo* tradition, culminating in the elaboration and promulgation of the 1828 Political Constitution. The 1830 Battle of Lircay, however, put an abrupt end to these early democratic developments. This civil war and the 1833 Constitution meant the defeat of this democratic imaginary at the hand of the above-mentioned aristocratic republicans. But it was not a total defeat. The old *pueblos*' traditions in their 'modern' or liberal version survived under the guise of a 'politics of sovereignty', which –as I want to argue— became the moving force behind the recurrent democratic, bottom-up social movements in Chilean history until today.

The perspective here adopted is inconsistent with a main line of Chilean historiography which understands the process of nation-building in Chile as an elite-driven geopolitical project passively abided by a population accustomed to obeying.<sup>31</sup> According to historian Jocelyn-Holt, the new nation will project onto society a social imaginary of enormous scope that will allow the political integration of popular sectors which would otherwise have remained marginalized

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<sup>30</sup> The big transformation in this country comes only in the first quarter of the nineteenth century when the people themselves swept aside this restricted idea of who should rule, culminating in the election of Andrew Jackson at the head of the Democratic Party.

<sup>31</sup> Julio Heise, *Años de Formación y Aprendizaje Políticos, 1810-1833*, Santiago: Universitaria 1978; Simon Collier, *Ideas and Politics of Chilean Independence, 1808-1833*, Cambridge: Cambridge University Press 1967; Alfredo Jocelyn-Holt, *La Independencia de Chile. Tradición Modernización y Mito*, Madrid: Mapfre 1992, also: *El Peso de la Noche*, Buenos Aires: Ariel 1997; Ana María Stuenkel, *La Seducción de un Orden*, Santiago: PUC 2000

from the public domain.<sup>32</sup> However, the Portalian state was not a consensual and legitimate national project. Quite the opposite, it was born from within a dramatically divided society and from the onset had to face intense resistance, which in turn explains the need for a strongly authoritarian state.<sup>33</sup> That division and this resistance had their roots in a typically Chilean popular-democratic imaginary, in centuries-old traditions and sovereign-political habits.

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An interesting consequence of this research would be to be able to show the filiation between the earlier *pueblos* imaginaries and the present-day socio-political movements. Nonetheless a detailed treatment of these historical connections would exceed the limits of this thesis. Therefore, the core of the present investigation will concentrate in clarifying the early imaginaries by showing how they underlie the struggles of 1810-1833 and only secondarily will I provide some evidence to show the affinities between the earlier and later developments. Consequently, this thesis is structured as follows.

Part II discusses the main concepts and methods that will be used to analyze the case study. Therefore in it I introduce Charles Taylor's key notion of social imaginary and its implications for the study of political change and legitimacy crises. I end this part by discussing contemporary theories of social movements, and define the particular approach we will use for understanding this kind of phenomena. Part III offers a specific interpretation of the early period, from the establishment of the first independent *Junta de Gobierno* in 1810 to the death of Diego Portales in 1837, or in a different sense, until the promulgation of the 1833 'conservative' Political Constitution. Based on the previous investigation, part IV opens with a brief characterization of the conservative and liberal governments during the nineteenth century, which will help us in defining a set of questions for subsequent Chilean history. From the later part of the nineteenth century and throughout the twentieth, a constant struggle between a 'politics of representation' and a 'politics of sovereignty' is discernible, mirroring the founding political conflict. In particular, the constituent movements of the period 1918-1925 will be interpreted as the revival of what I called the 'popular-democratic imaginary'. As an epilogue, I will return to the present-day political situation and the on-going social movements. Part V summarizes the preceding discussion and puts forwards some general conclusions by bringing into play the main results and the theoretical perspective I have espoused. By the end, it should be apparent that the founding transition to democracy did have a path dependency effect on the

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<sup>32</sup> Jocelyn-Holt, *op.cit.* 1992

<sup>33</sup> Social historians, such as María Angélica Illanes and Gabriel Salazar, defend this view. See Illanes, *Chile Descentrado*, Santiago: LOM 2003; and Salazar, *Construcción de Estado en Chile, 1800-1837: Democracia de los 'Pueblos'*. *Militarismo Ciudadano. Golpismo Oligárquico*, Santiago: Editorial Sudamericana 2005



current democratic outlook in Chile. It is my hope that some light will have been shed on the contemporary legitimization crisis by having undertaken this genealogy of political imaginaries of the past two hundred years.

Moreover my aim and objective is to offer a picture of these conflicting imaginaries and their powerful influence in as balanced and detailed manner as possible. This thesis is not intended to be a piece of normative political theory; it is, rather, an attempt to describe mentalities and ideas and their development over time, *before* subjecting them to assessment and criticism. The chapters that follow are circumscribed to a genealogy of certain ideologies and social imaginaries which animated the founding period of the republic in Chile and which under re-actualized forms –depending on the particular historical circumstances of each republican epoch— allow us to illuminate the conflictive character of Chilean democracy until the present day. It is a phenomenological reconstruction of Chilean political identity from the perspective of the actors themselves.

## II. THE IMAGINARIES APPROACH

### 4. A historical approach to the political: Representative and sovereign politics

"It's not just to say that democracy has a history.  
One has to consider more radically that democracy is a history,  
Inseparable from a work of research and experimentation,  
of understanding and elaboration of itself."

Pierre Rosanvallon

The present investigation wishes to be a small contribution to the history of *the political* in Chile. More precisely, it is an attempt to clarify the events and vicissitudes of the present by reconstructing the genesis of the state and the nation in this country. *The political* is the background against which a society is formed as a totality of meaning and in which the discourses and actions of men and women acquire concrete significance and import. It confers to a simple human group or population the characteristics of a political community. The inherent dynamism of the political allows us to understand 'society' or 'community' as an ongoing process, wherein rules and practices are being constantly re-elaborated and contradictions and tensions abound. It is only against this wider interpretive framework that economic transactions and political institutions of a given society become comprehensible. Thus if we want to reflect fruitfully on the contemporary form of the Chilean state, the struggles of civil society and the prospects for democracy, we need to grasp the elements of the symbolic order of the political, as they developed in this country.

Since the modern political revolutions of the eighteenth century, democracy appears as the indispensable organizing principle of any modern political order. However, its concrete articulation and realization continues to be problematic. This is partly due to the different ways in which democracy as an ideal can be defined or imagined. Often, two or more democratic collective self-understandings may be recognized within a single polity which, under particular circumstances, can produce political instability, as the Chilean case illustrates. Moreover, divergent ways of understanding the balance between individual autonomy and collective participatory projects, 'the people', 'popular sovereignty' and 'representation' are themselves historical products. For this reason it is essential to approach the meaning of the political from an historical perspective.

Chile's contemporary political forms and problems become intelligible through a genealogy of the political. In what follows I will claim that the structural legitimacy deficit of the

Chilean political system cannot be explained by a mere analysis of its institutions, decision-making mechanisms and electoral results, or by analyzing the rationale of the political actors and their interactions. Contemporary political science commonly discusses actors, institutions and rules, ideas and interests, but frequently leaves unexplored what we could call the 'political culture' of a society. Following a tradition initiated by Montesquieu, Tocqueville and Hegel, I would like to direct our attention to the particular web of shared understandings which makes institutions possible, bearing in mind that in each particular context these are unique. I will thus reconstruct the ways in which during their search for durable forms of social co-existence Chileans elaborated their social and political *conceptions*, paying special attention to the tense conflicts that arose and characterized this process.

Owing to its complex nature, understanding the political requires a rich interdisciplinary conversation between social history, political sociology, political theory and the history of ideas. To this end my analysis will rely on the work of some of the most important Chilean *letrados* writing in the press of the day, together with the main constitutional texts of the period. The analysis of these writings, in turn however, cannot be understood in isolation from the existing *social imaginary*, which will be my general context of interpretation and research. A social imaginary is not a simple 'theory' or closed circuit; it contains elements of and contributes to a broader symbolic order. "The task is to take into account all the 'active' representations which orient action, which limit the realm of the possible through the realm of the thinkable, delimiting the field of disputes and conflicts."<sup>34</sup> Thus, I have not limited the analysis to the history of ideas. Although I have benefited greatly from the investigations of Simon Collier, Carlos Ruiz Schneider, Vasco Castillo and other scholars, I have tried to insert their analyses of political ideas in Chile into that historically specific set of practices-*cum*-understandings which, following Charles Taylor, we can call 'the social imaginary'.

Recent Chilean contributions to the discipline of social history allow us to broaden our perspective. The work of Gabriel Salazar, one of the foremost exponents of Chilean political and social historiography helped in reconstructing the popular-democratic imaginary of the *pueblos*, the principal communitarian self-understanding of the Chilean people in the first half of the nineteenth century. Together with Leonardo León, Luis Ortega, Mario Garcés, María Angélica Illanes and Julio Pinto, Salazar belongs to a historiographical current that got underway in Chile in the mid-1980s and is now known as 'New Social History'. This group of historians were themselves influenced by English social historiography, the 'History-from-below' tradition (people's history) and the work of E. P. Thompson. Salazar's research filled an important gap in economic and social history, in particular his history of *sujetos populares* or common people, in which conflicts of interests and power are emphasized and where politics is seen an exclusive

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<sup>34</sup> Pierre Rosanvallon, *Por una Historia Conceptual de lo Político* (Lección Inaugural en el Collège de France), Buenos Aires: Fondo de Cultura Económica 2002, p. 46

activity of oligarchic groups. Despite the richness of this approach, it tends to a certain reductionism, for instance, by trying to explain the clash of *political* self-interpretations as conflicts between a ‘mercantile’ and a ‘production-oriented’ economic logic. Salazar’s narrative also polarizes the debate between oppressors and the oppressed, the elite and the people, as would a black and white photo that lacks shades of grey. I hope to complement the unilateralism of this approach to social history by several means prime amongst which is to take seriously the influence of North Atlantic ideas and political experiments on the Chilean intelligentsia of the early nineteenth century. The North Atlantic modern social imaginary in general and North American federalism in particular were powerful influences in the making of the contending republican projects of the creole – both in their popular and aristocratic versions. In the chapters that follow I skirt what I believe is an archaic discussion that opposes the history of ideas to classical social history. The imaginaries approach that I will apply in the Chilean case springs a step beyond this debate.

In the spirit of Robert Michels’ political sociology<sup>35</sup> this thesis also tries to unmask modes of power confiscation and the manipulative forces that operated under Chilean ‘representative’ democracy from the moment of its creation (of course, without ignoring democracy’s inherent need for abstraction with the representative system as a necessary condition of social integration). Finally, the present investigation borrows a good deal from political theory, though it takes distance from its normative character. Instead I describe the complexity of Chilean political culture in order to extract from it the standards for its evaluation and eventual criticism. In the words of Taylor:

“We attempt to understand how agents are understanding the world when they are acting in one or another way... When we try to work out the social imaginary, we are dealing... with the first-person plural: we’re trying to get clear what a language could be by which we can express our self-understanding related to that plural self. There lies the big opposition in the philosophy of the social sciences: some people think that the ultimate account has got to be in third-person terms, and these must be mechanistic terms. On the other hand, there are people like myself, who think that that’s a delusion – you give away really good material of understanding of what people are doing for this fool’s gold of reductive explanations.”<sup>36</sup>

In the writings of Michael Walzer, Charles Taylor and Alasdair MacIntyre, social criticism has turned to ‘communitarian’ or ‘contextualist’ approaches of social philosophy and political science.<sup>37</sup> According to these, it is the constitutive self-interpretation of a given society that

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<sup>35</sup> Robert Michels, *Political Parties: A Sociological Study of the Oligarchical Tendencies of Modern Democracy*, New York: The Free Press 1962

<sup>36</sup> Ulf Bohmann & Darío Montero, “History, Critique, Social Change and Democracy. An Interview with Charles Taylor”, *Constellations*, 21, 1, 2014 (Forthcoming). See appendix below: p. 201

<sup>37</sup> Michael Walzer, *Spheres of Justice*, New York: Basic Books 1983; Walzer, *Interpretation and Social Criticism*, Cambridge, MA: Harvard University Press 1987; Walzer, *The Company of Critics*, New York: Basic Books 1988;

supplies the critic with the norms, values and criteria he needs for judging its institutions, practices or discourses.<sup>38</sup> From a comparative, third-person perspective it is common to 'judge' the period 1830 onwards positively and evaluate negatively what occurred prior to this date. Without neglecting the usefulness of this type of study, in the present research I offer a different interpretation of the so-called 'founding' period that comes into view once we adopt the approach or method outlined above. My basic aim, as noted, is an investigation of this period's underlying social imaginaries, that is, a descriptive reconstruction of the forms in which the Chilean people of the first third of the nineteenth century imagined their social existence with others. Ultimately, it is a *phenomenological* explanation. "What we need to *explain* is people living their lives; the terms in which they cannot avoid living them cannot be removed from the explanandum, unless we can propose other terms in which they could live them more clairvoyantly."<sup>39</sup> The 'best fit principle' implicit here ultimately rests in a criterion of plausibility; it is a hermeneutical exercise that always bears the character of a provisional explanation, one which can later be challenged, corrected or improved by a later interpretation. At any given moment the best interpretation possible of a phenomenon is that which succeeds in making sense of it to a degree that alternative accounts do not or cannot achieve.

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The previous considerations lead us to understand politics as a living socio-historical reality, diverse around the world and ever-changing over time. It is closely connected with the birth and development of distinct social imaginaries, which are found within particular societies and whose content and legitimating force helps to articulate and realize the political life of a community of people. Politics is never an abstract category, nor the reification of a historical process. However in the Western world, Latin America included, a thin liberal conception of democracy became *the* way of practicing it and *the* criterion against which any democratic regime in the world had to be tested. This so called 'realist' conception, whose theoretical expression during the twentieth century can be found in the writings of Schumpeter, Dahl, and Huntington, conceives democracy principally as a *method* with some necessary institutional arrangements like voting which, in turn, are based on liberal principles such as the existence of

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Charles Taylor, "The Motivation behind a Procedural Ethics", in R. Beiner and W. James Booth (eds.), *Kant and Political Philosophy: The Contemporary Legacy*, New Haven, CT: Yale University Press 1996, 337-360; Alasdair MacIntyre, "Politics, Philosophy and the Common Good", in K. Knight (ed.), *The MacIntyre Reader*, Notre Dame: University Press 1998, pp. 235-252

<sup>38</sup> Hartmut Rosa, "Four Levels of Self-Interpretation: A Paradigm for Interpretive Social Philosophy and Political Criticism", *Philosophy Social Criticism*, 30, 5-6 (September) 2004, pp. 691-720

<sup>39</sup> Charles Taylor, *Sources of the Self: The Making of the Modern Identity*, Cambridge, MA: Harvard University Press 1989, p. 58

civil and political freedoms.<sup>40</sup> Thus politics becomes almost synonymous with ‘the functional administration of a formally constituted state’ (that is, as far as it follows a *given* political constitution). The role of politicians is to perform this functional administration; they are in charge of the ‘formal government’, together with the state bureaucracy; they constitute a ‘political class’. But this realist conception of politics reifies history, or at least some aspects of the political processes that have shaped the Western world over the past few centuries. There are at least two other historically legitimate ‘ways’ to conceptualize modern politics: i) as the construction of the political subject (citizen) in the context of a citizen culture, and ii) the construction of the state, i.e., the historical realization of the sovereignty of the citizens. These historical aspects –underemphasized or even demonized by the aforementioned liberal theories— have affinities with a classical conception in political philosophy that gives priority to the *source of authority* (the will of the people) and the *governing purposes* (the common good).

In Chile, too, this reification of the field of politics and its administrators has taken place. Over the past two hundred years a *politics of representation* has dominated the other two historical-political interpretations, overshadowing and weakening these. In a categorical but historically informed explanation, social historian Gabriel Salazar observes that “this is because, since the birth of the Republic, the construction of the Chilean state has been the result of intervention by the military, which protected certain groups or micro-elites (‘commissions’ often of no more than 15 individuals) who drafted –in handwritten form even— the Political Constitutions that have structured and ruled the ‘national’ state.”<sup>41</sup>

While impoverished and alienated, Chilean civic or political sovereignty has nonetheless survived. As we will see in the chapters that follow, this ‘residual sovereignty’ which remains in the political memory of the people has been the moving force and the legitimating power of a long history of social movements in Chile, in the sense that they are attempts of de-alienation by the citizenry.<sup>42</sup> ‘Sovereignty’ in this context implies collective decision-making: ‘collective’, because it represents the deliberated, inter-subjective will of a people; ‘decision-making’, because it is source of authority. This *politics of sovereignty* contrasts sharply with the individualism of representative politics. An analogous distinction was drawn in the late seventies by Claude Lefort when he contrasted politics (*la politique*) –the everyday to and fro of the representative political arena—with the more fundamental concept of the political (*le*

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<sup>40</sup> Joseph Schumpeter, *Capitalism, Socialism and Democracy*, second edition, New York: Harper 1947; Dahl, *op. cit.* 1956; Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century*, Norman: University of Oklahoma Press 1991

<sup>41</sup> Gabriel Salazar, *Del Poder Constituyente de Asalariados e Intelectuales: Chile, siglos XX y XXI*, Santiago: LOM Ediciones 2009, p. 6

<sup>42</sup> On the notion of ‘political memory’ see: Mario Garcés et al., *Memoria para un Nuevo Siglo. Chile, Miradas a la Segunda Mitad del Siglo XX*, Santiago: Editorial LOM 2000; María A. Illanes, *La Batalla de la Memoria: Ensayos Históricos de Nuestro Siglo. Chile, 1900-2000*, Santiago: Planeta 2002

*politique*). In recent years, Jean-Luc Nancy and Pierre Rosanvallon have developed further the same basic distinction.<sup>43</sup>

In reality, both the two-hundred year old elite-imposed structure of the state *and* the civic culture that from time to time breaks into the public sphere under the form of social mobilization, correspond to two different social imaginaries: one roughly liberal-atomistic, the other republican-communitarian –and similar to those found in North-Atlantic societies that have been studied by Charles Taylor and other political philosophers.<sup>44</sup> I want to maintain that from the very beginning of Chile’s independent history –in particular during the 1820s— the country has been experiencing a constant clash between these two social imaginaries, not always visible: a dialectical movement which has never yielded significant socio-political changes in the structure of the state, mainly due to the repressive force exerted by the joint power of Chile’s political and military class. In the sense intimated by J.G.A. Pocock, we can speak of ‘Machiavellian moments’ of republican uprisings (social movements) in an otherwise liberal political history. In what follows, I will characterize the form and content of both of these political imaginaries, which taken together make up Chile’s ‘democratic culture’.

## 5. Charles Taylor’s notion of the social imaginary

“The people only exists through successive and approximate representations of itself”

Pierre Rosanvallon

Partly as a reaction against some deterministic strands within Marxism, the notion of an enabling but not fully explicable symbolic matrix within which people act as collective agents – the idea of a social imaginary— has become since the late 1960s and early 1970s a powerful and fruitful concept in the social sciences. In this sense, Cornelius Castoriadis’ *The Imaginary Institution of Society* represents a foundational work.<sup>45</sup> It provided a rich point of departure for examining imagination in a social context, a concept that figures centrally in many recent theories of the relation between the subject and the collective in modernity. Also of particular note is Benedict Anderson’s *Imagined Communities*, first published in 1983.<sup>46</sup>

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<sup>43</sup> See, for example, Jean-Luc Nancy & Philippe Lacoue-Labarthe, *Retreating the Political*, S. Sparks (ed.), London: Routledge 1997; Rosanvallon, *op.cit.* 2002

<sup>44</sup> Taylor, *op. cit.* 1989

<sup>45</sup> Cornelius Castoriadis, *The Imaginary Institution of Society*, Cambridge: MIT Press 1987

<sup>46</sup> Benedict Anderson, *Imagined Communities*, London: Verso 2006

After the fall of the Berlin Wall and the Soviet Union, there was a renewed interest in Europe and North America in the concept of civil society and the public sphere. In Latin America, too, there was a resurgence of democratic movements against the authoritarian regimes governing in some of these countries. In this context, a group of intellectuals from all over the world –Arjun Appadurai, Craig Calhoun, Charles Taylor, Michael Warner, amongst others— began to focus on the study of civil society, the public sphere and nationalism as key elements for understanding the rise and spread of modernity. They have also endorsed the ‘multiple modernities’ thesis, which puts forward the idea that each nation, region or sub-group in it generates a different modernity, a unique variant, as a result of its encounter with global tendencies such as science, industrialization or secularization. “It is through exploring the productive tension between globalization and multiple modernities” that these intellectuals have “turned to the idea of the social imaginary.”<sup>47</sup> In what follows, I will focus exclusively on the recent interpretation provided by Charles Taylor of the concept of social imaginary.

According to Taylor, the modern Western imaginary is animated by an image of moral order based on the mutual benefit of equal participants, as exposed in the seventeenth century theories of natural law by Hugo Grotius and John Locke. This new conception of order has to be understood in contrast to what existed before.

Pre-modern visions of moral order, recounts Taylor, were based either on the law of the people, that is, the idea of a people bound by a law that has existed since time out of mind,<sup>48</sup> or on a Platonic-Aristotelian principle of hierarchical complementarity, according to which the community of people was organized into different orders functionally interdependent but unequal in rank and worth. Just like in England, The Hispano American peoples relied on an immemorial Law, the so called *Derecho de los Pueblos*, which became an essential justifying idea of the emancipation from Spain towards the beginning of the nineteenth century.

In clear contrast, the modern order is neither hierarchical nor does it preserve the communitarian notion of traditional law. Instead, it promotes the mutual respect and service between equal individuals. Under this scheme, social structures and institutions are meant to contribute to the realization of individuals’ ends (notably, security and economic prosperity). Such structures are judged *instrumentally* and not due to their inherent goodness as in pre-modern social conceptions. Taylor identifies four main features of this modern interpretation of order: *Individualism* – human beings exist independently of a larger social or cosmic whole and society is established for their sake; the *emphasis on ordinary life* – political society is instrumental to freedom, equality and the daily needs of individuals (security and prosperity), rather than securing for them the highest virtue; an *ethic of freedom*, which leads to an emphasis

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<sup>47</sup> Dilip Parameshwar Gaonkar, “Toward New Imaginaries: An Introduction”, in *Public Culture*, 14, 1, 2002, p. 4

<sup>48</sup> Cf. J.G.A. Pocock, *The Ancient Constitution and the Feudal Law: English Historical Thought in the Seventeenth Century*, Cambridge: Cambridge University Press 1957, especially chapter II



on rights and the primacy of freedom among them (attested to in the Lockean requirement that society should be based on the consent of its members); and *equality*, which meant that freedom, mutual benefits and rights must be secured to all people.<sup>49</sup>

According to Taylor, the great socio-political transformations in the Western world of the past four centuries may be seen from this perspective as the progressive mutation of a pre-modern *social imaginary* following this modern *idea* of moral order. The American and the French revolutions were important transitional moments in this sense. The idea about order found in Grotius and Locke progressively permeates all aspects of society creating the modern forms of the economy, the public sphere, and democratic self-rule (the idea of a self-governing people), that is, three forms of collective life and agency which are constitutive of Western modernity. In Taylor's words by 'social imaginary' we refer to:

"...something much broader and deeper than the intellectual schemes people may entertain when they think about reality in a disengaged mode. I am thinking, rather, of the ways people imagine their social existence, how they fit together with each other, how things go on between them and their fellows, the expectations that are normally met, and the deeper normative notions and images that underlie these expectations."<sup>50</sup>

As a background understanding of our whole predicament, the *modern* social imaginary makes sense of a concrete repertory of collective actions which then become available to individuals, such as the practice of general elections or modes of non-destructive conflict (like demonstrating). Because we live under the influence of this collective imaginary, we are all able to understand these actions as valid or legitimate collective decisions and carry them out without difficulty. In general, contemporary theories of social imaginary seek to explain the way imagination, not simply reason, figures in the construction of central social institutions, representations, and practices. In a recent interview Taylor pointed out that,

"The notion of the social imaginary was meant to lift a previous frustration with too theoretical understandings of society. How do we understand society? We have a theory. We read Rousseau, we read Locke, that's very often part of the understanding, and societies differ in the degree to which there is theoretical foundation. Modern Western societies are much more theory-entrenched than others, but even in our case, there are understandings of what we are doing that are carried in our sense of what's

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<sup>49</sup> Charles Taylor, *Modern Social Imaginaries*, Durham: Duke University Press 2004, pp. 19-22

<sup>50</sup> Taylor, *op. cit.* 2004, p. 23. Very close to Taylor's approach, Pierre Bourdieu notes that the social imaginary sets the pre-reflexive framework for our daily routines and social repertoires. Structured by social dynamics that produce them while at the same time also structuring those forces, social imaginaries are products of history that 'generate individual and collective practices in accordance with the schemes generated by history'. Pierre Bourdieu, *The Logic of Practice*, Stanford, CA: Stanford University Press 1990, pp. 54-55

appropriate to say, how it is appropriate to stand, and so on... There's something that has developed as a mode of action."<sup>51</sup>

In Taylor's interpretation, the first great shift in the social imaginary brought about by the modern notion of order is the emergence of the modern economy in the eighteenth century, that is, our coming to see society mainly as a place for economic collaboration and exchange. "From that point on –Taylor argues—organized society is no longer equivalent to the polity; other dimensions of social existence are seen as having their own forms and integrity. The very shift in this period of the meaning of the term civil society reflects this."<sup>52</sup> Modern society is thus characterized by many facets, not just the polity; there is a crucial place for the non-political. In the Grotius-Locke theory, society is instrumental for something *pre-political*; this latter domain acquires greater importance as modernity unfolds. The public sphere soon followed the economy as a second dimension of civil society independent from the polity. Jürgen Habermas described the advent of this new phenomenon in eighteenth-century Europe where for the first time people who found themselves dispersed over a certain territory could exchange opinions and share views through the printed press as well as through face-to-face encounters on matters of common interest, all of which was necessary to the formation of a common mind or 'public opinion'.<sup>53</sup>

In this rise of the public sphere Taylor sees an important transformation of the social imaginary. "That a conclusion 'counts as' public opinion reflects the fact that a public sphere can exist only if it is imagined as such. Unless all the dispersed discussions are seen by their participants as linked in one great exchange, there can be no sense of their upshot as public opinion."<sup>54</sup> Provided it is the result of critical debate and exercised by people who understand themselves as sovereign, public opinion gains normative status, and for this reason government is expected to follow it. While standing outside power, the modern public sphere is meant to be listened to by power; power is supervised and checked by it. The novelty of this phenomenon is that this outside check "is not defined as the will of God or the law of Nature... but as a kind of discourse, emanating from reason and not from power or traditional authority."<sup>55</sup> Debate and conflict are now inherent to modern society.

Thus, the modern public sphere is not only extra-political but is also defined by what Taylor calls its 'radical secularity'. "The notion of secularity is radical because it stands in contrast not only with a divine foundation for society, but with any idea of society as constituted

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<sup>51</sup> Bohmann & Montero, *op.cit.*, appendix, pp. 200-201

<sup>52</sup> Taylor, *op. cit.* 2004, p. 76

<sup>53</sup> Jürgen Habermas, *The Structural Transformation of the Public Sphere*, Cambridge, MA: MIT Press 1989.

Michael Warner has also studied this phenomenon in the British American Colonies; see his *The Letters of the Republic*, Cambridge, MA: Harvard University Press 1990

<sup>54</sup> Taylor, *op. cit.* 2004, p. 85

<sup>55</sup> *Idem*, p. 90

in something that transcends contemporary common action.”<sup>56</sup> The existence of the public sphere as a secular association arises only out of people’s exchanging ideas and forming a common mind; it is a purely immanent type of action. This defines its modern signature.

In Chile, a public sphere developed immediately after Independence. In November 1811 the first printing press arrived in the Chilean port of Valparaíso. It was appropriated by the Carrera government and named *Imprenta del Supremo Gobierno* (Printing Press of the Supreme Government). One year later *La Aurora de Chile*, the first Chilean newspaper, was published by the Press. Camilo Henríquez became one of the most famous intellectuals of the period for his lifelong promotion of and contributions to newspapers. The first law decreed in 1813 granted complete freedom of the press, thus abolishing the colonial practice of censorship prior to publication (*censura previa*). Then in 1823, Juan Egaña tried to re-introduce the Church’s right of prior censorship but the bill was repealed. Thereafter, during the liberal period from 1823-1829 the public sphere enjoyed a kind of golden age, not only due to enjoying freedom to publish and express opinions but also owing to the great number of new periodicals that sprung up and were published.<sup>57</sup> The conservative reaction of 1830, however, put an abrupt end to these developments though dictatorial censorship measures. Nonetheless, the rise of the Chilean public sphere was promoted by the development of ‘public education’ in the new Republic. As this investigation will show, public education was seen by the elite as the most powerful tool for introducing ‘virtue’ in the population, beginning with teaching men how to read and write. From a general standpoint, though, only a small elite was actively engaged in the public sphere and in political discussions between 1810 and 1830.

According to Taylor this new extra-political and secular constitution of society is embodied not only in the public sphere and in the market economy, but also in that form of agency that preexists and itself is responsible for the foundation of political society: the modern conception of ‘the people’. Thus for Taylor popular sovereignty is the third modern form wrought by a transformation of the social imaginary. He argues that political change can thereafter follow two possible paths: either a theory emerges which inspires new practices transforming the imaginary of those who adopted these, or else change comes from the reinterpretation of pre-modern practice. The latter path is illustrated by the rebellion of the American colonies fired by an old notion of legitimacy, shared with Britain and based on the idea (and reality) of an immemorial law or ‘ancient constitution’. In this pre-modern understanding of order, parliament enjoyed a legitimate existence beyond the king.

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<sup>56</sup> *Idem*, p. 93

<sup>57</sup> James A. Wood, *The Society of Equality: Popular Republicanism and Democracy in Santiago de Chile, 1818-1851*, Albuquerque: University of Mexico Press 2011, pp. 38-42

"This older idea emerges from the American Revolution transformed into a full-fledged foundation in popular sovereignty, whereby the U.S. Constitution is put in the mouth of 'We, the people'. This was preceded by an appeal to the idealized order of natural law, in the invocation of 'truths held self-evident' in the Declaration of Independence. The transition was made easier because what was understood as the traditional law gave an important place to elected assemblies and their consent to taxation. All that was needed was to shift the balance in these so as to make elections the only source of legitimate power."<sup>58</sup>

Though in its own unique way, Chile too initially experienced a smooth transition to political modernity based on the existence of traditional law and a set of 'republican' practices. In Chapter 10 of this thesis I will be arguing that the 1810 revolution is better understood as an act of continuity with a preexistent legality than as a radical rupture. This interpretation in turn is an indication of the degree to which the Chileans of 1810 still lived under pre-modern notions. As we will see, only later could Chileans fully embrace the modern legitimating principle of popular sovereignty.

Popular sovereignty means, in sum, the exercise of a power *inherent* to a sovereign people; it is a kind of secular agency which is not preceded by any law but in contrast is the source of it.

Taylor's interesting insight is that when a modern revolutionary *transition* is carried out on the basis of new theories, the people must be able to understand it and internalize it. In order to accomplish this –not as abstract intellection but practically speaking– the people must share a social imaginary, that is, a set of practices they can make sense of and contain ways of realizing through action the new theory. "To transform society according to a new principle of legitimacy, we have to have a repertory that includes ways of meeting this principle... 1) the actors have to know what to do, have to have practices in their repertory that put the new order into effect; and 2) the ensemble of actors have to agree on what these practices are."<sup>59</sup> According to Taylor, the Russian political transition of 1917 is a case in point where this first requirement is missing after the fall of tsarist rule, insofar as the Russian people lacked a conception of being a 'national people' able to exert sovereign power. What Russians understood perfectly well was the local collective agency of the *mir* or village. Again we find here some resemblance with the Chilean case. In fact, in colonial times and during the first half of the nineteenth century the *pueblo* was the self-governing community, the real political unit in Chile. In contrast to it, the idea of a Chilean 'nation' resonated as a very abstract notion. I will later develop in depth the complexity of this tension between the national and the local. On the other hand, the second requirement that Taylor presents would be missing during the period of the French revolution, in that more than one formula was given to realize popular sovereignty and therefore "the shift from the

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<sup>58</sup> Taylor, *op. cit.* 2004, p. 110

<sup>59</sup> *Idem*, p. 115

legitimacy of dynastic rule to that of the nation had no agreed meaning in a broadly based social imaginary.”<sup>60</sup> Only much later will a new imaginary develop in France, which gave regular elections the meaning of expressing the popular will.

Taylor observes that the result of the political transitions to democracy in France and the United States were path-dependent in that the initial tendencies repeated afterwards; the initial developments in France led to a long-term form which was radically different from the American or Anglo-Saxon one:

“The American transition, if one takes into account the whole half-century from 1775-1825, ended up emphasising the equality of independent agents. In the French case, a crucial weight came to be laid on the enacting of a common purpose, which often found a congenial intellectual formulation in the Rousseauian idea of a ‘general will’. We can see these different emphases arising in the respective transitions which begin in the late eighteenth century. But they also continue to mark the political cultures of these two great democracies... At the same time, in the American case, we can see the continuing influence of the political culture which evolves in the first thirty years of the new Republic, and which dignified individual self-reliance and initiative with the (in that context) powerfully loaded title of ‘Independence’. This has perhaps, among other things, contributed to the relative lack of importance of trade unions in the U.S. polity – one of its striking points of contrast with France in the twentieth century.”<sup>61</sup>

In this example, a Rousseauian or communitarian ‘redaction’ of the modern idea of moral order contrasts to the more individualistic American trajectory. The great differences outlined above between the United States and many European societies should be sufficient to illustrate the value of investigating *particular* political cultures and the usefulness of the notion of the social imaginary as a methodological device for their study.

## **6. Some theoretical implications of the imaginaries-approach to political change**

As we have seen, social imaginary is a useful concept to use to approach change in a holistic fashion. Taylor’s main thesis is that the modern Western world is the result of a series of transformations of the social imaginary of pre-modern Europe and North America. This means that change is inextricably linked to a mutation of the *common* or *shared* ways in which people imagine the societies they inhabit and sustain. The fact that individuals act on the basis of a

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<sup>60</sup> *Idem*, p. 113

<sup>61</sup> Taylor, *op. cit.* 2007, p. 121

shared imaginary reveals that they are actually not thinking in a disengaged way but rather in the context of a background understanding of meaning. The public sphere is a good example. Taylor defines it as a 'metatopical' (nonlocal) common space, which is partly constituted by common understandings, in particular, the idea "that widely separated people sharing the same view have been linked in a kind of space of discussion, wherein they have been able to exchange ideas with others and reach this common end point [the public opinion of a whole society]."<sup>62</sup> The imaginaries approach thus transcends a still dominant atomistic bias in mainstream social sciences.<sup>63</sup>

As we have already seen, a social imaginary is something boarder and deeper than a political *idea* or social *theory* and is more than a *mere* common understanding. It designates the way in which a large group of ordinary people *imagine* their social surroundings, which enables them to make sense of the practices they possess. A new idea or theory can only make its way into history "in that the people (or its active segments) share a social imaginary... that includes ways of realizing the new theory".<sup>64</sup> This has important implications when facing the problem of change and causation.

In contrast to a range of theories of change from Karl Marx to Daniel Bell that tend to understand values and ideals as products of socio-economic development, the imaginaries perspective recognizes the inherent power of values and moral ideals and their historical role in the shaping of our social world. This view, most famously articulated by Max Weber in his account of the protestant ethic and the rise of capitalism, is a line of thought that has somehow survived to date, for example in the work of the political scientist Samuel Huntington and the psychological theorist David C. McClelland.<sup>65</sup> This line of critique is directed against reductive accounts of change that seem to attribute little or no causal role to moral ideals. For example we can usefully ask why the Calvinist idea of sanctification of ordinary life took hold of the collective imagination of people in early modern Europe. What is the *idée-force* that this new vision of the good life contained? This interpretive question occupies a central place in our cultural approach to change. As Taylor rightly observes, "all historiography (and social science as well) relies on a (largely implicit) understanding of human motivation: how people respond, what they generally aspire to, the relative importance of given ends and the like. This is the truth behind Weber's celebrated affirmation that any explanation in sociology has to be 'adequate as to meaning'".<sup>66</sup>

The above view is not a simplistic idealist position, however. In order for a moral ideal to have the power to transform reality, it must be an *imagined* ideal, not a mere theory. According

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<sup>62</sup> Taylor, *op. cit.* 2004, p. 84

<sup>63</sup> I have developed this point further in: Darío Montero, "Some Elements of a Cultural Theory of Social Change", *International Journal of Social Science and Humanity*, 2, 1, 2012, pp. 52-58

<sup>64</sup> Taylor, *op. cit.* 2004, p. 115

<sup>65</sup> Cf. Lawrence Harrison & Samuel Huntington (eds.), *Culture Matters: How Values Shape Human Progress*, New York: Basic Books 2000

<sup>66</sup> Taylor, *op.cit.* 1989, p. 203

to the ‘embodied’ conception of meaning that Taylor subscribes to –in the tradition of Heidegger, Merleau-Ponty, Wittgenstein, and Michael Polanyi— there is an inextricable connection between ideas (theories) on the one hand, and practices and institutions on the other, where the former cannot be conceived without the latter.<sup>67</sup> In a sense, ideas can even be seen as secondary to practices, in that they articulate or make explicit what was ‘always already’ present in the ways people act within society, in the existing practices. This dimension of implicit or inarticulate meaning is the ‘background understanding’ of a human community. The implication for the study of political change of the complex relation between ideas and practices has been aptly summarized by Taylor through the following distinction:

“On the one hand, a theory may inspire a new kind of activity with new practices, and in this way form the imaginary of whatever groups adopt these practices. The first Puritan churches formed around the idea of a covenant provide examples of this. A new ecclesial structure flowed from a theological innovation; this becomes part of the story of political change, because the civil structures themselves were influenced in certain American colonies by the ways churches were governed, as with Connecticut Congregationalism, where only the converted enjoyed full citizenship. Or else the change in the social imaginary comes with a reinterpretation of a practice that already existed in the old dispensation. Older forms of legitimacy are colonized, as it were, with a new understanding of order, and then transformed, in certain cases, without a clear break.”<sup>68</sup>

As we see, in both cases change happens through a transformation of the social imaginary of the people involved. And here lies the difference with vulgar idealist positions. For all the reasons elaborated in this section so far, the concept of ‘self-interpretation’ I will use throughout this investigation should be understood in a broader and deeper sense: not as mere ‘ideas’ but as ‘modes of social relation’ amongst agents.<sup>69</sup>

Let us examine briefly an example given by Taylor to get a taste of how moral ideals and values can mobilize people and modify social and political conditions. In the 1960s, a large cultural change took place in the Western world, particularly in Central Europe and North America, the locus of which was young people. According to Taylor “certain of the fundamental reference points for the formation of identity in our civilization [was] being challenged”; in particular, 1) the model of maturity, where adult men determine his own values and life goals, as opposed to an external source of authority. This ideal of a self-defining subject based on individual freedom from then on played a central role in American culture. 2) From the point of view of the self-defining individual, the surrounding world is consequently seen as a set of raw

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<sup>67</sup> These positions are clearly stated in: Hubert Dreyfus, *Being in the World*, Cambridge: MIT Press 1991; John Searle, *The Construction of Social Reality*, New York: Free Press 1995

<sup>68</sup> Taylor, *op. cit.* 2004, pp. 109-110

<sup>69</sup> Cf. Charles Taylor, “Interpretation and the Sciences of Man”, in *Philosophical Papers 2*, Cambridge: Cambridge University Press 1985, p. 36

materials for his own (productive) purposes, rather than as a source for forming his own identity; which is in turn connected with 3) a certain orientation to the future: the past as something constantly to be surpassed. This is a paradigmatic example of a collective identity crisis, that is, a crisis in allegiance to this model amongst young people, especially among students, which was followed by a complex and interrelated host of social movements. How to account for this identity crisis and the emergence of the new social movements and their characteristic agenda advocating 'identity' politics? At the time, younger generations were already in a position to experience some of the ecological and social consequences of the aforementioned model which gave them ample reasons to challenge it. But one could argue as well that this new generation longed for community and a new sense of creativity and human feeling, against which the dominant model of maturity appears to a certain extent as inhuman and unsocial because it cuts us off from old sources of identity.<sup>70</sup> Pressing social and ecological problems (associated to the prevailing social model) as well as a feeling of dissatisfaction with the dominant culture are just two reasons that help explain an increasing divergence between the official institutional order and the new sensibility of the younger generations, which pressed for a variety of changes in legislation, the formation of new political parties and new social networks and communities amongst others.

I would like to make explicit one final implication of the imaginaries approach to change. As already intimated, social self-interpretations are never the possession of discrete individuals. They exist in the form of socially shared common understandings which as such can only be properly addressed and studied with the help of a holistic approach. Now, there is a particular conception of 'culture' behind this ideal of social inquiry. It is closely associated with its meaning in anthropology in which culture is seen to include a particular language and a set of practices, including visions of the good life, society, person, as well as other defining aspects of any human community. In this anthropological sense, cultures can be understood as original and unique world-views or broad value horizons that are mutually incommensurable. And it is precisely this cultural pluralism and the concomitant idea that cultures are irreducible one to another— that Taylor's approach sets itself to capture. This 'cultural' stance has huge consequences for the analysis of modern societies and their inherent conflicts and transformations.

From a cultural viewpoint, the difference between pre-modern (Christian) Europe and modern western secularized societies is as 'big' as the difference between cultures around the globe, say between India and Chile. The pluralist stance is opposed to what Taylor calls 'acultural' theories of modernity, a dominant current during the last two hundred years, which sees the growth of science, instrumental rationality, negative freedom, and democratic self-rule as universal and neutral changes that any society could (and inevitably will) undergo, and not as

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<sup>70</sup> Charles Taylor, "Peaceful Coexistence in Psychology", in *Philosophical Papers 1*, Cambridge: Cambridge University Press, 1985, pp. 117-138



distinctive features of a particular culture originating in Europe. The problem is that the acultural interpretation of modernity as a universal phenomenon justifies the imposition of the modern 'package' of values, institutions and practices on other cultures, and in the process undermines any effort to understand the contemporary phenomenon of multiple modernities. We will return to this idea later. In Taylor's view, an acultural theory "locks us into an ethnocentric prison, condemned to project our own forms onto everyone else and blissfully unaware of what we are doing."<sup>71</sup> Contrary to this, an appropriate understanding of the cultural specificity of North-Atlantic societies permits in turn the clear recognition of the specificity of *other* cultures and of the particular trajectories they have followed in modernizing; for instance, the modernization process that has taken place among Latin American countries, with its characteristic mixture of pre-Columbian, Colonial, and European enlightenment values.

To sum up: the notion of the social imaginary is holistic in that it treats culture as an indecomposable unit of meaning and as the common property of all of its (relevant) members. Within these communities of meaning people can of course disagree. A diversity of views can arise, but this disagreement is only possible to the extent that people share in the first place a basic set of common norms and understandings of what society is, what the defining features and attributions of a citizen are, etc. The recognition of the inherent power of values must not be confused, as already noted, with a unilateral idealist understanding of history. In this connection Taylor maintains that human and social change is mediated by a hermeneutical process taking place in the minds of the people, in that it presupposes a transformation of the social imaginary of a given population at a given time. Finally, these changes must always be studied as particular phenomena in connection with a particular culture, and never as value-free operations (instrumental rationalization processes, the move towards 'organic' forms of cohesion, etc.) as found in classical theories of modernity.

In this way, the notion of the social imaginary –besides its commitment to cultural pluralism—overcomes a series of inadequacies of classical political and sociological thought such as atomism, the dichotomy between structure and agency, and a sociologically 'hard' notion of change.<sup>72</sup>

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<sup>71</sup> Charles Taylor, "Two Theories of Modernity", *Hastings Center Report* 25, 2, 1995, p. 28

<sup>72</sup> Montero, *op. cit.*, 2012

## 7. The plurality of modernity and democracy

“The forms of modernity are multiple.  
There is more than one way of realizing the constellation  
of aspirations which make up the modern identity.”

Charles Taylor

The tradition-modernity dichotomy was almost universally endorsed in the 1960s and modernization is still viewed by some scholars as a homogenizing process. The underlying assumption behind this proposition is that there are a wide variety of traditional societies and the series of ‘izations’ –industrialization, urbanization, bureaucratization— will eventually bring about one society, a global or world society. But recently the talk about ‘multiple modernities’ began to challenge this view.<sup>73</sup> This plural form refers to the fact that “other non-Western cultures have modernized in their own way and cannot properly be understood if we try to grasp them in a general theory that was designed originally with the Western case in mind.”<sup>74</sup> It also helps us understand the specificity of the ‘dependent modernity’ of Latin American society which shared the culture –particularly religion, language, and certain political traditions— of the First World, but with quite a different economic base (not a colonizer but an ex-colony), and which modernized also by re-interpreting local practices inherited from the Colonial period.

As Taylor argues, “Western modernity on this view is inseparable from a certain kind of social imaginary, and the differences among today’s multiple modernities need to be understood in terms of the divergent social imaginaries involved.”<sup>75</sup> In this framework, the notion of ‘cultures of democracy’, a more specific term, allows us to grasp the *internal discrepancies* within the modern imaginary; it is, so to speak, “a regional subset of the larger social imaginary.”<sup>76</sup> In our (modern) times, people’s mode of being political is imagined within a democratic idiom, specifically under the historically forged link between the idea of democracy and the doctrine of popular sovereignty –the ‘practices of the people’ thus defining the political.

In many regions of the world, and in particularly in Latin America, there is a traceable tradition of popular sovereignty well entrenched in its political culture, which has been at the same time systematically unrecognized or directly repressed, leading to periodical legitimacy crises. Dilip P. Gaonkar notes a prevailing democratic pathos of fatigue rather than euphoria in the region.

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<sup>73</sup> See, for example, the two important compilations of essays: Dilip P. Gaonkar (ed.), *Alternative Modernities*, Durham: Duke University Press 2001; Shmuel N. Eisenstadt (ed.), *Multiple Modernities*, New Jersey: Transaction Publishers 2002

<sup>74</sup> Taylor, *op. cit.* 2004, p. 1

<sup>75</sup> *Idem*, pp. 1-2

<sup>76</sup> Dilip Parameshwar Gaonkar, “On Cultures of Democracy”, *Public Culture*, 19, 1, 2007, p. 16

“For Spanish-speaking Latin America, democracy is an old and unreliable friend. Countries like Chile have known and experimented with republican forms of government since the early nineteenth century. Republics of various styles and substance have failed the people of Latin America far too frequently and mostly due to the quarreling elites and the subsequent erosion of legitimacy that pushed them to yield to authoritarian forms of governance.”<sup>77</sup>

As a consequence, countries like Chile exhibit a long history of social struggle between the citizenry and the political elites. Negatively, these struggles can be seen as expressions of collective resistance, while positively, as attempts to build a more democratic state and more active and participatory civil society. If we look at its republican history, social movements have frequently emerged in Chile and thus constitute a central feature of its democratic culture. Its origins can be sought in the political-ideological clash between an elite-imposed centralist-mercantilist state and an old citizen culture of democratic self-rule (pushing towards a federal-productivist state), both of which are based on the existence of a colonial imaginary.

“Taylor’s key point here is that [the economy, the public sphere and the self-governing people]—notwithstanding their seeming portability and replicability—are refigured both in meaning and function when placed within a social imaginary calibrated by an image of a moral order different from that of the West. And that refiguration is not a corruption but a creative adaptation. Thus, Taylor invites us to explore the cultural face of ‘multiple modernities’ by attending to its refractions within the symbolic matrix of alternative social imaginaries.”<sup>78</sup>

For the purposes of the present study, the notions of ‘multiple modernities’ and ‘cultures of democracy’ are incorporated as methodological devices for analyzing Chile as a case study, which – together with the idea of a social imaginary— will help us make sense of the *nature and particularity* of the country’s political culture. In Taylor’s words: “Instead of looking for general laws... we should turn back to an older tradition that finds its source in Montesquieu. Comparison here does not aim at general truths but rather is the search for enlightening contrasts, where the particular features of each system stand out in their differences.”<sup>79</sup>

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<sup>77</sup> *Idem*, p. 6

<sup>78</sup> Gaonkar, *op. cit.* 2002, p. 12

<sup>79</sup> Taylor, *op. cit.* 2007, p. 119

## 8. A Taylorian approach to legitimation crises

The modern, Weberian concept of legitimacy refers to the beliefs and attitudes that individuals have towards the society they live in. In general, a legitimacy crisis is characterized by a divergence between the expectations and aspirations of the citizenry and the actual outlook and performance of the political institutions, which triggers a rejection of political authority. But since the differences between democracies around the world are great –each one defined by what we call a *democratic culture*— the emergence of a legitimacy crisis can also be read as an *internal* clash of political self-interpretations, as a specific problem that therefore requires of specific, contextual solutions depending on the polity in question. It is from this hermeneutic or internal understanding of legitimacy that the possibility of an alternative explanation of legitimation crises arises. According to Taylor,

“Institutions are defined by certain norms and constituted by certain normative conceptions of man. It is these conceptions that they sustain. But the relationship of support also works the other way. It is these normative conceptions that give the institutions their legitimacy. Should people cease to believe in them, the institutions would infallibly decay; they could no longer command the allegiance of those who participate in them. Institutions demand discipline, frequently sacrifice, always at least the homage of taking their norms seriously. When they lose legitimacy, they lose these.”<sup>80</sup>

Legitimacy is thus always contingent on the accepted ‘normative conceptions of man’ within a political community. Hartmut Rosa has systematized Taylor’s concept of legitimacy.<sup>81</sup>

Legitimation problems surfacing in industrial and liberal societies especially in North America and Europe during the 1970s and early 1980s were tackled by Taylor in his seminal paper *Legitimation Crisis?* In this paper Taylor argues that at a deeper level, the (lack of) legitimacy of modern societies can only be adequately explained by articulating what he calls the ‘modern identity’, “the family of conceptions of the good life, the notions of what it is to be human, which have grown up with modern society and have framed the identity of contemporary men.”<sup>82</sup> In other words, the conditions or terms of a legitimation crisis are given by these conceptions. A sketchy portrait of this modern identity in its relation to contemporary legitimacy crises will suffice to understand Taylor’s argument and the possibilities of a fruitful transposing of his analysis to the Chilean case in particular.

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<sup>80</sup> Taylor, *op.cit.* 1993, p. 68

<sup>81</sup> Hartmut Rosa, *Identität und kulturelle Praxis: Politische Philosophie nach Charles Taylor*, Frankfurt/New York: Campus Verlag 1998, pp. 417-433

<sup>82</sup> Charles Taylor, “Legitimation Crisis?”, In: *Philosophical Papers 2*, Cambridge: Cambridge University Press 1985, p. 248

Taylor views our contemporary societies as pierced by a fundamental tension or contradiction. This is not a contradiction between social classes but is one that lies at the heart of the modern identity.

“This society is in a sense in a ‘contradiction’, the full extent of which is not evident if one looks simply at the economic irrationalities, or the galloping externalization of costs, which provoke a fiscal crisis – though these may be grievous enough dangers. The most lethal tension only comes into view when we try to understand the society in the light of the sense of the human good which it presupposes and helps to inculcate – what I have been calling the modern identity.”<sup>83</sup>

Let’s look at this internal tension. On the one hand, Taylor identifies a *naturalistic* worldview, the dominant paradigm in the West, according to which the main structures and institutions of contemporary societies –scientific, economic, political, and legal—are shaped. The building blocks of this modern self-interpretation were summarized by Taylor as follows:

“The first is the picture of the subject as ideally disengaged, that is, as free and rational to the extent that he has fully distinguished himself from the natural and social worlds, so that his identity is no longer to be defined in terms of what lies outside him in these worlds. The second, which flows from this, is a punctual view of the self, ideally ready as free and rational to treat these worlds—and even some of the features of his own character—instrumentally, as subject to change and reorganizing in order the better to secure the welfare of himself and others. The third is the social consequence of the first two: an atomistic construal of society as constituted by, or ultimately to be explained in terms of, individual purposes.”<sup>84</sup>

The first idea arises with Descartes and the sharp dualism he posits between the subject and the world by which humans withdraw even from their own bodies. From here derives the Cartesian idea (later taken up by Kant) of a free, rational, autonomous and disengaged being, who looks at the world as well as his own body as object. This idea continues to have a great influence in contemporary scientific (naturalistic) approaches used in the human sciences. The second and third notions originate, too, in the seventeenth century and are closely associated to the thought of John Locke and the social-contract theories of that time.

Together these elements inform a naturalistic worldview which entails a specific conception of the ‘good life’ and of how society (should) work(s). Since in a neutral universe composed of nothing other than natural facts human beings cannot decipher or extract the goals and ends for their lives, these have to be sought inside of them, in their impulses and desires which are distinguishable by their degree of intensity and by the level of happiness they produce, thus following an ‘order of preferences’. In this universe, our desires have no intrinsic

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<sup>83</sup> *Idem*, p. 288

<sup>84</sup> Charles Taylor, “Overcoming Epistemology”, in *Philosophical Arguments*, Cambridge, MA: Harvard University Press 1995, p. 7

qualitative worth, they are merely subjective preferences. On the other hand, the disenchantment process this turn implies leaves nature at the disposal of free and rational agents who (partly as a consequence of the reformation and the new protestant ethics) have accepted the notion that life should be directed at rational and efficient mastery both of the self and the world. Moreover and in connection with the protestant ethic, the new image of the good life concentrates on the satisfaction of ordinary needs and on the basic conditions of existence of free agents: the life of production and reproduction, rather than as previously on the cultivation of virtue. Taylor argues that these modern 'naturalistic' impulses are present in our contemporary consumer society with its ideal of the rational and efficient satisfaction of individuals' ordinary needs through domination over nature and the environment. On the other hand, the (naturalistic) principle of individual autonomy or self-determination finds expression in the principle of popular sovereignty and democracy, whereby citizens define the terms of their political life.

As Taylor has shown in several of his papers, this naturalistic conception of the free, self-responsible, and autonomous individual underlies, in turn, a dominant tradition of modern social and political thought: procedural ethics<sup>85</sup>, utilitarianism<sup>86</sup>, political atomism<sup>87</sup> and liberalism<sup>88</sup>. As we already saw, the modern idea of moral order reposed on a Lockean 'naturalistic' philosophy which progressively infiltrated the collective imaginary of the West and shaped its central modern social, economic, political and scientific practices. Notwithstanding the dominance of naturalism, the modern identity has been co-constructed by a second paradigm which Taylor calls the *romantic-expressivist* worldview, characterized by the ideals of expressive unity and fulfillment, creativity, and whose first comprehensive formulation may be found in the writings of Johann Gottfried Herder.<sup>89</sup>

Romantic-expressivism is no less profoundly rooted in our aspirations, modes of action and social practices than is the naturalist view. We can see it, for instance, in our longing for authentic and creative self-realization, as well as in a spiritual search to overcome disengagement and several forms of dualism, of the soul/body, reason and feeling, spirit and nature. In Taylor's own words: "What I want to suggest is that we have all in fact become followers of the expressive view; not that we accept the detail of the various Romantic theories, but that we have all been profoundly marked by this way of understanding thought and

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<sup>85</sup> Taylor, *op. cit.* 1996

<sup>86</sup> Charles Taylor, "The Diversity of Goods", in *Philosophical Papers 2*, Cambridge: Cambridge University Press 1985, pp. 230-247

<sup>87</sup> Charles Taylor, "Atomism", in *Philosophical Papers 2*, Cambridge: Cambridge University Press 1985, pp. 187-210

<sup>88</sup> Charles Taylor, "Cross-Purposes: The Liberal-Communitarian Debate", in *Philosophical Arguments*, Cambridge, MA: Harvard University Press 1995, pp. 181-203

<sup>89</sup> Taylor, *op. cit.* 1989, especially pp. 368-390; see also Charles Taylor, *Hegel and Modern Society*, Cambridge: Cambridge University Press 1979, pp. 1-14

language, which has had a major impact on our civilization.”<sup>90</sup> This is immediately visible in our understanding and appreciation of art in general. This paradigm is found in many domains, including influential forms of social criticism, say the Marxist tradition and socialism<sup>91</sup>. According to Taylor the most powerful political revolutions of the past centuries, have been romantic-expressivist manifestations of protest against the excesses of the naturalist current.

“Reactions to the expressive poverty of modern civilization have, of course, varied widely: *Weltschmerz*, a deep sense of the world as abandoned and expressively dead; or a nostalgia for an earlier, unrecoverable age; or an attempt to return to one such earlier time – the age of faith, or the primitive condition of balance with nature which many of today’s ‘drop outs’ yearn for – or again, the attempt to create a secondary world of art untrammelled by the workaday one. But politically oriented protests have generally envisaged an active reshaping of human life and its natural basis. This has been true not only of the ideologies of the left, like Marxism and anarchism, but also of those like Fascism which stressed as well the release of pent-up ‘elemental’ forces in man.”<sup>92</sup>

Romantic-expressivist self-understandings have also emerged in modern forms of nationalism, the roots of which are found in Rousseau and Herder’s theories. Both these thinkers understood each nation as the unique expressive identity of a people. For them *community* is restored by overcoming the naturalistic division between individual and society. In the romantic-expressivist view each individual can only fully realize his or her own life (and find recognition) within a particular communitarian space of identity or, in the broadest sense of the word, in a language. For this reason the romantic-expressivist view sharply contrasts with the atomistic predicament of Naturalism.

“The romantic subject can never be the atomistic subject of seventeenth century thought – of Hobbes and Locke, for instance. Even the most individualistic of romantic aspirations, in seeing the need for a horizon of meaning, sees that humans are essentially social; for this horizon, this language comes to us within a society. Romantic individualism involves the demand that we break away from group conformity, that we

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<sup>90</sup> Charles Taylor, “Language and Human Nature”, in *Philosophical Papers 1*, Cambridge: Cambridge University Press 1985, p. 235

<sup>91</sup> “The fact is that from the beginning, his [Marx’s] position was a synthesis between the radical Enlightenment, which sees man as capable of objectifying nature and society in science in order to master it, and the expressivist aspiration to wholeness. This is what he meant in speaking of communism as the union of humanism and naturalism. Expressive fulfillment comes when man (generic man) dominates nature and can impress his free design on it. But at the same time he dominates nature by objectifying it in scientific practice. Under communism men freely shape and alter whatever social arrangements exist. They treat them as instruments. But at the same time this collective shaping of their social existence is their self-expression. In this vision, objectification of nature and expression through it are not incompatible, any more than they are for a sculptor who may make use of engineering technology in constructing his work.” Taylor, *op. cit.* 1979, p. 146

<sup>92</sup> *Idem*, p. 141

elaborate an original statement; but it has no place for the seventeenth century myth of the state of nature, the view that we could see our original condition as one of solitary agents of choice.”<sup>93</sup>

We could then say that Romanticism is modern in that it is powered by the aspiration to emancipation and self-rule (in contrast to previous cosmic and hierarchical pre-modern orders) but, at the same time, it is based on a holistic social ontology which sees community as the pole of identification of individuals (contrasting with seventeenth-century naturalist theories). This philosophical anthropology that defines humans as social beings, incapable of functioning morally on their own, is also the motor for the ‘new social movements’ which emerged in the 1960s, including the ecological movement, as well as contemporary communitarian variants of republicanism. Contemporary communitarian thinkers such as Michael Sandel, Michael Walzer and Amitai Etzioni have offered in their political reflections modification to the liberal representative system as we know it today.<sup>94</sup>

As a communitarian himself, we find in Taylor’s analysis the idea that a proper understanding of contemporary legitimization crises should start with an (re)articulation and discussion of the modern conceptions of the good life which are implicit in and are promoted by the existing economic, political and legal structures. Many contemporary communitarian-oriented political philosophers –Taylor amongst them— have set themselves the task of opening such public discussion *vis-à-vis* their more purely liberal-oriented colleagues. As Hartmut Rosa puts it, “Eine entsprechende Repolitisierung und damit auch Re-Ethisierung des öffentlichen Raumes bildet seit langem ein Desiderat republikanischer und kommunitaristischer Ansätze.”<sup>95</sup> The atomistic and instrumental tendencies of ‘naturalistic’ society when judged and diagnosed by an equally modern but quite different set of self-understandings will inevitably bring about legitimacy crises. To a romantic-expressivist mindset such tendencies might be perceived as a loss of community, as a weaker sense of citizen efficacy, or simply as the destruction of the environment. The ever recurring protesting voice of romantic-expressivism is directed against what is considered as naturalistic ‘excess’. It is the result of an inherent conflict.

I believe that this understanding of legitimacy can be fruitfully applied to the Chilean context, but we must take care not to simply presuppose the influence of North-Atlantic theories and traditions on the formation of a modern political imaginary in Chile. On the contrary, we must first undertake a proper investigation of the concrete Chilean traditions and doctrines

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<sup>93</sup> Charles Taylor, “Why Do Nations Have to Become States?”, in *Reconciling the Futures: Essays on Canadian Federalism and Nationalism*, Montreal: McGill-Queen’s University Press 1993, p. 46

<sup>94</sup> Michael Sandel, *Liberalism and the Limits of Justice*, Cambridge: Cambridge University Press, 2nd edition, 1998; and also: *Democracy’s Discontent*, Cambridge: Harvard University Press 1996. Walzer, *op.cit.* 1983. Amitai Etzioni, *New Communitarian Thinking*, Charlottesville: University of Virginia Press 1995; *Rights and the Common Good: The Communitarian Perspective*, New York: St. Martins Press 1995; and: *The Spirit of Community: The Reinvention of American Society*, New York: Crown Publishers 1993

<sup>95</sup> Rosa, *op. cit.* 1998, p. 433



which took part in this process. Only then will it be possible to determine the specific connections between and influence of North Atlantic theories and traditions on the Chilean trajectory to political modernity.

## 9. Some consequences for the study of social movements

As we will see later in this thesis, the structural problem of legitimacy that has affected the Chilean political system since its origin has expressed itself in a long history of social movements. Before taking up the Chilean case in the next section, I would first like to discuss some essential terms and approaches borrowed from the theory of social movements that will help us later with our analysis.<sup>96</sup>

How should the emergence of social movements be understood? This is certainly the oldest and most important question posed by scholars in this field. Over the past four decades, social scientists have tried to answer this question from three different points of view. A first approximation, associated with Charles Tilly<sup>97</sup>, Doug McAdam<sup>98</sup>, and Sidney Tarrow<sup>99</sup>, has attempted to explain the emergence of social movements by referring to structural changes in the political institutions of a given country. In particular, they point to social changes which put these institutions in a state of vulnerability and which in turn make more likely that people will make their views manifest and challenge the political system. From this perspective collective action –protest, for example— is based on the perception of a ‘political opportunity’. The revolutions that took place in Eastern Europe in 1989, from this point of view, are a consequence of political reforms led by Gorbachev in the Warsaw Pact countries, which weakened the forces of social control available in those regimes.

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<sup>96</sup> From here one can speculate on the general relation that exists between democracy and (social) conflict. For a long time social movements and all kinds of protest had been relegated to the domain of the a-normal: ‘anomie’, ‘social pathology’, were terms used in mainstream American sociology until the early 1960s (systems theory) and in certain strands of political science and democratic theory of that period. However, the emergence of the civil rights movement in the United States of America, the 1968 student protests in Paris, the experience of the Vietnam war, and the corresponding progressive loss of hegemony of the great ‘system’ (the United States), propelled American sociology into studying these ‘social movements’ and to reevaluate its concepts, goals and methods. Also the way political science had framed social movements in a democratic society changed: no longer viewed as interruptions in the course of otherwise ‘normal’ political processes, but as important elements of a democratic system. Charles Taylor has recently written of ‘non-destructive forms of conflict’ as an essential part of democracy, as one of the main conditions of a healthy democracy. The original intuition that conflict is a constitutive element of democracy may be found in Machiavelli’s *Discourses*.

<sup>97</sup> Charles Tilly, *From Mobilization to Revolution*, Reading, MA: Addison-Wesley 1978

<sup>98</sup> Doug McAdam, *Political Process and the Development of Black Insurgency, 1930-1970*, Chicago: University of Chicago Press 1982

<sup>99</sup> Sidney Tarrow, *Struggling to Reform: Social Movements and Policy Change During Cycles of Protests*. (Western Societies Program Occasional Paper No. 15), New York: Center for International Studies 1983

Since the emergence and survival of a social movement depends also on the resources and capacity of a group of leaders to mobilize participants, a second theoretical approach has focused more specifically on the relationship between collective action and organizational structure. John McCarthy and Mayer Zald were pioneers of this approach.<sup>100</sup> Only through 'mobilizing structures' (social movements understood as organizations, formal as well as informal-grassroots) can people be expected to get together and become a relevant collective agent of change.

In the 1980s a critique was raised that explaining the emergence of social movements in terms of political opportunities and mobilizing structures was insufficient. The authors of the 'resource mobilization theory' were criticized for ignoring ideological aspects, the ideas and sentiments that animate social movements. Based on the work of the sociologist Erving Goffman, David Snow together with other scholars launched a more interpretive perspective for understanding the origin and constitution of social movements under the conviction that:

"SMOs [Social Movement Organizations] and their activities not only act upon the world, or segments of it, by attempting to exact concessions from target groups or by obstructing daily routines, but they also frame the world in which they are acting. Moreover, the strategic action pursued by SMOs, their resource acquisition efforts, and their temporal viability are all strongly influenced by their interpretive work."<sup>101</sup>

In an obvious sense, these three ways of understanding social movements complement each other, as has been recognized *a posteriori* by some of their main protagonists.<sup>102</sup> The interpretive element of the third theory is now conceived as a mediating factor between political opportunities and mobilizing structures. This synthesis has left behind the weaker one-sided views offered by each of these theories on their own. Despite theoretical improvements to it, I am not convinced by this framework of explanation for inquiries into the origins of revolutions and social movements generally, nor in particular in the case of Chile in view of the content and form social movements have taken here. Despite its hermeneutical character and its emphasis on ideas and meaning, Snow's approach does not capture the socio-cultural roots of certain types of social movements –like the ones examined in this study— without which, I believe, their existence is unthinkable. Let us look more closely at this problem.

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<sup>100</sup> John McCarthy & Mayer Zald, *The Trend of Social Movements in America: Professionalization and Resource Mobilization*, Morristown, NJ: General Learning Press 1973. See also their paper: "Resource Mobilization and Social Movements: A Partial Theory", *American Journal of Sociology*, 82, 6, 1977, pp. 1212-1241

<sup>101</sup> David Snow, E. Burke Rochford, Steven K. Worden & Robert D. Benford, "Frame Alignment Processes, Micromobilization, and Movement Participation", *American Sociological Review*, 51, 4, 1986, p. 466

<sup>102</sup> Doug McAdam, John McCarthy & Mayer Zald, *Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures, and Cultural Framings*, Cambridge: Cambridge University Press 1996

Why do people support and participate in social movements? This is the central question that Snow and his co-authors attempted to answer by introducing the concept of 'frame alignment'. "By *frame alignment*, we refer to the linkage of individual and SMO interpretive orientations, such that some set of individual interests, values and beliefs and SMO activities, goals, and ideology are congruent and complementary."<sup>103</sup> The thesis that these authors maintain is that participation in a social movement results from the alignment or congruence between individuals' '*subjective orientations*' and the interpretive frameworks of the movement, the latter understood as an organization. This alignment must be effected or induced by what the authors call *micromobilization* activities, "the range of interactive processes devised and employed by SMO and their representative actors to mobilize or influence various target groups with respect to the pursuit of collective or common interests."<sup>104</sup> The interpretive element (framing) is thus conceived as a strategic tool for gaining adherents among various 'target groups' such as constituents, bystander publics, media, etc. In short: participation in social movements depends on alignment which, in turn, depends on micromobilization activities. Snow's atomistic view focuses too much on *individual* motivation and the possibility of strategically inducing individuals to join a movement (question of participation), as if individuals were not first and foremost embedded in a (political) culture. Instead I think that framing processes of identity are critical for participation and therefore key to account for the question of emergence only in certain cases –such as animal rights and anti-nuclear protests— where social movements attract participants even *in the absence* of prior identities and networks, as some scholars have observed.<sup>105</sup>

So, in a way, ours is a different question. We are not trying to explain the conditions for a movement to 'emerge' at a certain point in time, nor are we particularly interested in its later development, that is, the extent and form it takes over time. I actually think that the integrative theoretical framework linking political opportunities, mobilizing structures and framing processes in very many cases does a great job in answering these questions.<sup>106</sup> But in the present study I am more interested in what could be called a *pre-emergence question*, almost completely neglected in the aforementioned literature. Hence I want to ask about the content and main features of the particular political culture at the heart of which social movements emerge (or fail to do so). How has that culture and the movement's practices evolved historically? Of course we are presupposing here a close link between 'political culture' and social movements, which in many empirical cases is hard to show. But in other cases –and here I'm thinking in the Latin American region and its political struggles, but particularly in the Chilean case— it is precisely

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<sup>103</sup> Snow et al. *op. cit.*, p. 464

<sup>104</sup> *Idem*, p. 465, footnote

<sup>105</sup> See, for example: James Jasper & Jane Poulsen, "Recruiting Strangers and Friends: Moral Shocks and Social Networks in Animal Rights and Anti-Nuclear Protests", *Social Problems*, 42, 4, 1995, pp. 493-512

<sup>106</sup> McAdam, McCarthy & Zald, *op. cit.* 1996

through this culturally-embedded understanding of social movements that we can arrive at an insightful discussion of their origins and underlying goals. We must therefore engage in an in-depth case study analysis, where both the synchronic questions (the formulation of the key elements of a democratic culture, of a 'regional' social imaginary) as well as the diachronic questions (how this democratic culture came into existence and evolved until adopting the concrete form it exhibits today) can find specific answers.

In the *longue durée*, it is possible to show for the Chilean case that social movements have a temporality of their own and that more than speaking of different movements emerging at different times, we have to understand them rather as eruptions of an underlying 'citizen culture', of a 'politics of sovereignty', which has developed in this country over the last two centuries. The focus is therefore in processes of *continuity* rather than discontinuity. Scholars of social movements in America and Europe have understood the 1960s and what followed thereafter as emerging 'out of nowhere', as a sudden shift in the political history of these regions.<sup>107</sup> This is what has been termed by some as an 'immaculate conception' of the origin of social movements. However, empirical studies have shown that far from this being the case, new social movements are better understood as a continuation of certain processes that were at work much before the moment of their emergence.<sup>108</sup> In this sense, Verta Taylor, studying the American women's movement, could generally conclude:

"Most movements have thresholds or turning points in mobilization which scholars have taken for 'births' and 'deaths'. This research suggests that movements do not die, but scale down and retrench to adapt to changes in the political climate. Perhaps movements are never really born anew. Rather, they contract and hibernate, sustaining the totally dedicated and devising strategies appropriate to the external environment. If this is the case, our task as sociologists shifts from refining theories of movement emergence to accounting for fluctuations in the nature and scope of omnipresent challenges."<sup>109</sup>

Based on the evidence collected, Verta Taylor has developed a useful framework for studying the lines of continuity of social movements. She claims that the 1960s American women's rights movement can be viewed as a "resurgent challenge with roots in an earlier cycle of feminist activism that presumably ended when suffrage was won."<sup>110</sup> She believes that political opportunities and organizational resources do satisfactorily explain the 'emergence' of a movement; but she is not so much interested in this issue as in the question of continuity: how

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<sup>107</sup> Richard Flacks, *Youth and Social Change*, Chicago: Markham 1971; Alain Touraine, *The Post-Industrial Society*, New York: Random House 1971; McCarthy and Zald, *op. cit.* 1973; Craig Jenkins, "Interpreting the Stormy 1960s: Three Theories in Search of a Political Age", *Research in Political Sociology*, 3, 1987, pp. 269-303

<sup>108</sup> Maurice Isserman, *If I Had a Hammer: The Death of the Old Left and the Birth of the New Left*, New York: Basic 1987; Doug McAdam, *Freedom Summer*, New York: Oxford University Press 1988

<sup>109</sup> Verta Taylor, "Social Movement Continuity: The Women's Movement in Abeyance", *American Sociological Review*, 54, 5, 1989, pp. 772-773

<sup>110</sup> *Idem*, p. 761

can movements sustain themselves in non-receptive political climates? She responds by introducing the notion of 'abeyance structures'. The idea is that in non-receptive environments, where insufficient opportunities exist for dissidents (e.g., after a movement dies out), abeyance organizations emerge as alternative structures to absorb them, thus allowing the challenge to the *status quo* to survive and reproduce itself over time until more favorable political conditions return. Abeyance structures thus perform a linkage function between one upsurge in activism and the next.

These abeyance structures permit future mobilizations, firstly, through the pre-existence of activist networks, that is, links and organizational ties among individuals; second, through an existing repertoire of goals and tactics. "Movement goals and strategies are learned, and they change slowly. Extending Tilly's hypothesis, the array of collective actions that a movement develops to sustain itself should influence the goals and tactics adopted by the same movement in subsequent mass mobilization"; and thirdly, through a collective identity, "the shared definition of a group that derives from its members common interests and solidarity" like love, affinity, sympathy, and a sense of the good (versus a clearly articulated and fixed statement).<sup>111</sup>

The notion of 'collective identity' is meant to fill important gaps left by resource mobilization and political processes models. In connection with these theories, Polletta and Jasper observed that "...their emphasis on the how of mobilization over the why of it, their focus on the state as target of action, and their dependence on rationalistic images of individual action left important issues unexamined."<sup>112</sup> By focusing on identity (rather than in mere structures and/or resources) one can answer questions such as the ones we are interested in: why collective actors come together into being? How interests emerge rather than taking them as given? But it can also shed light on the mysterious question of motivation: why do people join a movement as opposed to becoming free riders? Usually people who participate do so in absence of incentives or coercion, so Olson's classic solution to the free-rider dilemma does not help here.<sup>113</sup> People participate also based on solidarity with others in that prior ties, for example, as students or citizens, oblige one to protest along with one's peers.<sup>114</sup> Activists are not the atomistic individuals sociologists once took them for.

We could explain student and citizen protests from 2006 onwards in Chile in a way similar to the explanation of events in Europe and North America in the 1960s: 'student' became linked to "activist", which itself became a prized social identity that provided incentives to

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<sup>111</sup> *Idem*, p. 771

<sup>112</sup> Francesca Polletta & James Jasper, "Collective Identity and Social Movements", *Annual Review of Sociology*, 27, 2001, p 283

<sup>113</sup> Mancur Olson, *The Logic of Collective Action*, Cambridge, MA: Harvard University Press 1965

<sup>114</sup> Bruce Fireman & William Gamson, "Utilitarian Logic in the Resource Mobilization Perspective", in M. Zald & J. McCarthy (eds.), *The Dynamics of Social Movements*, Cambridge, MA: Winthrop 1979, pp. 8-44

participate.<sup>115</sup> However, Chile's *student* movement quickly became a transversal *social* movement that included and represented various different sectors of the population. It is the tracing of this social or citizen culture that will be the main object of my historical investigation. As stated earlier, far from taking for granted an already existing collective actor, my goal is to account for, in macrohistorical terms, the construction of the contentious identity behind the emergence of social movements in Chile. Collective identity is thus appealing for people and constitutes for us an alternative account to the material incentives theory as well as to the framing theory we discussed above. From this perspective, activism cannot be understood either from a self-interest model nor should it be viewed as pure altruism. Following a Taylorian notion of identity<sup>116</sup>, in his study of political activism in America Teske concluded that participation is motivated "neither primarily on a quasi-quantitative calculating of costs and benefits, as in the rational choice approach to politics, nor on altruistic impulses... *Rather, identity construction points to the qualitative concerns and the desires activists have that certain qualities be instantiated in their actions and lives.*"<sup>117</sup>

In fact, Chile's social history is better (perhaps only) understood as a process of continuity, as a succession of social movements which as Verta Taylor claims 'do not die, but scale down and retrench to adapt to changes in the political climate'. What bridges, for example, the 1820s political movement with those of the first decades of the twentieth century? In chapter IV, drawing on the notion of abeyance structures, I will characterize the types of organizations and their self-managing practices (*pueblos*, mutual societies, *mancomunales*, sectorial organizations) which permitted the survival of a historically-specific Chilean 'politics of sovereignty' during the course of the last two hundred years despite systematic attempts at repressing it every time it has emerged to the surface of the political arena.

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<sup>115</sup> Debra Friedman & Doug McAdam, "Collective Identity and Activism: Networks, Choices and the Life of a Social Movement", in *Frontiers in Social Movement Theory*, A. Morris & CM. Mueller (eds.), New Heaven, CT: Yale University Press 1992, pp. 156-73

<sup>116</sup> Taylor, *op. cit.* 1989

<sup>117</sup> Nathan Teske, *Political Activists in America: The Identity Construction Model of Political Participation*, Cambridge, UK: Cambridge University Press 1997, p. 121

### III. CHILE'S FOUNDING TRANSITION TO DEMOCRACY

How can we understand the *particularity* of Chile's democratic culture? The answer is found in its social imaginary. Thus, in order to understand Chile's current democratic outlook, that is, the way Chileans have articulated and translated the general ideal of democracy ('the people rule themselves') into particular procedures and institutions, we need to grasp its social imaginary, the way the Chilean people *imagine* democracy, the concrete articulation of this ideal that they accept and understand. But the issue is even more complex because within Chilean society there have been at least two radically different understandings of democracy. And this takes us back to Chile's *founding transition to democracy* between 1808 and 1833, when the first contours of these competing imaginaries arise. With respect to transitions, Taylor points to the necessity of first having a repertory of understandings and practices. According to his argument, a transition does not succeed if the existing repertory is too distant from the new institutions and procedures. Especially important in this regard are two necessary facets of collective self-understanding intrinsic to democracies: i) to understand ourselves as forming a collective agent and ii) to understand the institutions and procedures as constituting valid decisions of this agency: "the ensemble of actors has to know what to do, has to have agreed practices in its repertory that put the new order into effect."<sup>118</sup> In what follows, I offer an interpretation of this transition in terms of the transformation of the underlying social imaginaries, paying special attention to these two important facets.

Chile's founding transition, started in 1810, was initially smooth but it ended up in civil war (1829-30) as a consequence of an internal clash of republican self-interpretations, where one of the factions –those who favored an aristocratic-authoritarian republican state— imposed themselves by military means. Outwardly the civil war was an armed conflict between conservative *Pelucones* and liberal *Pipiolos* forces over the constitutional regime in force.<sup>119</sup> The original impulse of the 1810 revolution was grounded, however, on the common identity of the *pueblos* or productive communities, which at the time constituted the effective political units of the Kingdom of Chile. Chileans therefore had a sense of forming *pueblos* –this was the real collective agency— capable of acting together through the *cabildo* or council. Through *cabildo abierto* (open assembly) the 'citizens' of the *pueblo* –defined as 'home owning neighbors'— reached their decisions on economic and political issues and chose their local representatives.

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<sup>118</sup> Taylor, *op.cit.* 2007, p. 122

<sup>119</sup> *Pelucones* or big-wigs was the name used to refer to Chilean aristocratic conservatives in early nineteenth century. On the other hand, *Pipiolos* was the name used to refer to Chilean liberals during the same period. The name *Pipiolos* was originally used by the *Pelucones* or conservatives in a derogatory manner by associating the liberals to inexperience.

Beyond these small ‘republics’, Chile as a single *nation* could not be said to exist.<sup>120</sup> When the Spanish king was imprisoned, however, the Chileans began meeting at the *cabildo* in order to build their ‘national’ state from the base, i.e., from the different *pueblos*. A moderately federal state was the imagined outcome. Over time, this process was boycotted by a powerful group whose members mainly belonged to the elite of Santiago, which was the capital of the Kingdom and seat of the royal institutions, as well as where the majority of the *Pelucón* group lived. The old *pueblos*, schooled in the practice of insurrection when their governors or kings behaved despotically, rose between 1823 and 1828 and maintained a vigorous six-year-long social movement to defend their right to self-determination. This is the first wave of social movement in the history of Chile. However, after the 1829 civil war the centralist faction ultimately managed to impose a national state under the command of a strong Executive. The 1830 state would last almost a century, turning Chile into a “prototype of political stability in Latin America during the nineteenth century”, in the words of standard history texts.<sup>121</sup> The result of Chile’s transition to democracy was the establishment in 1833 of the ‘Portalian’ state which would last until 1925 –and arguably beyond.<sup>122</sup>

But in order to make sense of the initial transition, we first have to get a clear picture of the popular pre-modern understanding of order that prevailed among the Hispano-American peoples and which helped to bring about the 1810 revolution in such a smooth way. It will be shown that the arguments adduced to legitimate the independentist project during the first years of the revolution were essentially backward looking. In parallel to these developments, North Atlantic republican and liberal theories began to be widely read and discussed within the most educated circles. With the creation of the first local newspaper in 1811, the ideas of Rousseau, Montesquieu and other Enlightenment thinkers start to be hotly discussed, progressively transforming the language and tone of the local political debate. The spreading of European and North American theories and constitutional experiments in Chile would certainly have a great influence on the revolutionary elite as a whole. That is why after reviewing the political institutions and practices of colonial Chile, we will examine the main ideas of the North Atlantic modern social imaginary being imported at that time. Only then we will be able to

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<sup>120</sup> “There was neither national consciousness nor nationalism; there was no nation as it will be understood from the nineteenth century onwards. But in a less restrictive sense, as it was understood in Europe until the French Revolution, there were *pueblos* that shared a language, customs, cults, and a territory.” Marcos García de la Huerta, “La Fundación del Estado y la Formación del Imaginario Republicano”, in García de la Huerta & Ruiz Schneider (eds.) *República. Liberalismo y Democracia*, Santiago: LOM Ediciones 2011, p. 88

<sup>121</sup> Simon Collier, *Chile: La Construcción de una República 1830-1865, Política e Ideas*, Santiago: Ediciones Universidad Católica de Chile 2005, p. 23. See also Francisco José Moreno, *Legitimacy and Stability in Latin America. A Study of Chilean Political Culture*, New York: New York University Press 1969

<sup>122</sup> ‘Portalian state’ (or order) is a catch phrase by which I refer to a set of institutional arrangements which were the result of a long process (1810-1833) involving many different actors including aristocratic intellectuals, conservative politicians and jurists, great merchants and others. Despite its name, it should not be viewed as the original work or creation of only one man, the minister Diego Portales.



concentrate on the internal ideological split –notoriously between provincial groups and Santiago– in the first years of the Republic when Chile was first being constructed.

## **10. The *pueblos* imaginary: A reinterpretation of the colonial past in the new Republic**

How and to what extent did the political elites give continuity to colonial practices and pre-modern forms of legitimacy during the independent Republic? My claim is that the period from 1808 to 1833 was heavily influenced by a republican imaginary which was not imported from abroad but pre-existed in Chile up until the foundation of the Republic. Chileans' reverence for natural rights and popular sovereignty was not learnt from Montesquieu– even if he was one of their favorite political authors. Popular sovereignty can be found embedded in sixteenth century Spanish tradition. My aim is therefore to characterize this indigenous political language –exposed in a family of theories but also embodied in a set of practices and institutions— which contributed greatly to the ideological debate about the construction of the state. Such a preexisting political imaginary served in general as a basis for the practical interpretation and implementation of the republicanism imported from Europe and America, but more specifically it was responsible for the 1823 liberal-federalist reaction to the autocratic government of Bernardo O'Higgins and to Juan Egaña's aristocratic constitutional design.<sup>123</sup> This was the influence of the *pueblos* or local communities around which the Chilean territory had been organized for centuries. In favoring participatory democracy, productive economy, community, equality, federalism, etc., the liberal *pipiolo*s of the 1820s were trying to institutionalize a new order which, freed from Colonial dependency and monarchism, could give continuity to indigenous political traditions under modern conditions of legitimacy.

The Spanish men who crossed the Atlantic during the sixteenth and seventeenth centuries possessed a perfectly structured political imaginary, composed of an ancient repertory of political habits and principles. Medieval Europe saw the crystallization of popular political institutions (e.g. the *cabildos* or *ayuntamientos*) and a tradition of customary law closely connected with the lifestyle of peasants and craftsmen. The popular revolts in late medieval Europe, the so-called *Jacqueries* –which in some sense depended on the 'moral economy' of what

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<sup>123</sup> Bernardo O'Higgins Riquelme (1778–1842) was a Chilean independence leader who, together with José de San Martín, freed Chile from Spanish rule in the Chilean War of Independence. Although he was the second Supreme Director of Chile (1817–1823), he is considered one of Chile's founding fathers, as he was the first holder of this title to head a fully independent Chilean state. O'Higgins was of Spanish and Irish ancestry. Juan Egaña Risco (1769-1836) was a Chilean-Peruvian politician, jurist, and writer of great prestige during the first years of the republic in Chile. He was the main author of the 1823 Constitution.

was right and just, or on some sense of what peasant's rights traditionally had been— can be seen as an historical expression of this type of popular power.<sup>124</sup>

Already during medieval times Spain enjoyed a climate of communal freedom and political autonomy duly recognized by medieval monarchs. In Castile where repopulation based on small property holdings gave rise to an ample free class, a spirit of freedom and independence existed. Municipalities or local governments multiplied and the *fueros*, or set of legal norms for the regulation of these governments where individual guarantees and rights were consecrated, proliferated as well. Echoing this local legislation as well as owing to the growing pressures from below, we see Alfonso IX of León convening the Cortes in 1188. The decrees that resulted from these sessions (the *Decrees of León*) are considered by many historians instrumental to the formation of democratic parliaments across Europe and predate the first session of the English Parliament. These decrees secured an adequate administration of justice for all subjects, the inviolability of the home and the defense of property rights.<sup>125</sup> Alfonso X, called *the Wise*, was going to continue and consolidate this tradition. His *Siete Partidas* (1256) was a work of collection and coding in which he managed to compile in one text the old written law of Greeks, Romans and Christians plus the customary law of '*los pueblos*'. This document, considered to be medieval Europe's most comprehensive code of law, was therefore an attempt at harmonizing 'the old popular customs of the kingdom of Spain' with the divine principle that legitimated the political power of popes, kings and other oligarchic groups.<sup>126</sup> By '*pueblo*' Alfonso referred to the productive and reproductive community of natural life, the community of peasants and craftsmen. The *ayuntamiento* or municipality was nothing but a further developed form of the sovereign assemblies of these communities (towns, hamlets, etc.) where people initially met in order to take decisions on how to administer, exploit and secure the material sources of life, what to do in face of a natural catastrophe, etc. This autonomous capacity to decide in community was what the king now granted as a '*fuero*', as a right. As Gabriel Salazar argues, the people thus lived under a mixed legal system, which was

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<sup>124</sup> Henri Pirenne, *Historia Económica y Social de la Edad Media*, México: FCE 1952, chapter VII, pp. 166-178; Samuel K. Cohn, Jr., *Popular Protest in Late Medieval Europe*. Manchester: Manchester University Press 2004; Perry Anderson, *Passages from Antiquity to Feudalism*, London: Verso 1978. With respect to the notion of 'moral economy' see, E. P. Thompson, "The Moral Economy of the English Crowd in the Eighteenth Century", *Past and Present* 50, 1971, pp. 76-136. Also from the same author: *The Making of the English Working Class*, Toronto: Penguin Books 1991

<sup>125</sup> Jaime Eyzaguirre, *Ideario y Ruta de la Emancipación Chilena*, Santiago: Editorial Universitaria 1983, p. 17. See also: Irene Arias, "La Carta Magna Leonesa", *Cuadernos de Historia de España*, IX, Universidad de Buenos Aires, Facultad de Filosofía y Letras, Buenos Aires 1948, p. 147-153

<sup>126</sup> This idea of a state based on the harmonic interplay between the king and the people can be said to have an ever older origin. Saint Isidore of Seville (560-636) —an extremely influential figure in the political thought of Spain— already considered royal power as founded on and limited by both divine right *and* human right or the consent of the people. If he does not wish to become a tyrant the king must act according to the law (*Rex eris si recte facies, si non facias non eris*). In the Christian states which emerged from the ashes of the Visigothic kingdom, the king —when assuming power— makes a pact with the people promising to respect the existing laws. See J. Eyzaguirre, *op.cit.*, pp. 15-17

“formed by the uses and customs of communal sovereignty and by the general norms established by the king (which tended to constitute an institutional system unified under his authority). This mixed legal system formalized and generalized the *internal democracy of the peoples*. It gave them, by royal mediation, a common language, a ‘nationalized’ political consciousness, a central referent (the Crown), and a possibility of projection towards the nation... A new popular tradition was thus created, which was defined by the *mixed* notion of ‘obeying the royal legislation but without the pressing obligation to follow it.’”<sup>127</sup>

Later on, when it came to legislate in the American colonies, the Spanish kings Charles V, Philip II and Charles II, were going to show the same prudence as Alfonso. They exercised their power taking good care not to overrun or ‘invade’ the communal space of popular sovereignty. Customs such as communal property and the right to locally elect *concejiles* (municipal authorities such as mayors and *regidores*) had to be respected and maintained. This attitude of respect on the part of the kings towards the productive classes and their rights lasted roughly until 1700.

In renaissance and baroque times, this ‘popular’ conception of the Spanish monarchy would find a place in Jesuit thought, particularly in Francisco Suárez and Luis de Molina, its most representative exponents. Chilean historian Jaime Eyzaguirre summarizes their doctrines in the following way:

“According to them, sovereign power descends from God to the office holder [the king] through the people and by its free consent. Men are by nature born free and no one can claim political jurisdiction or control over anybody else. The governing power belongs to the community, which has to be understood not as the mere aggregate of individuals but as an organic moral entity. [The community] in constituting itself by the free agreement or contract of men in the name of the common good, generates authority as a natural and indispensable means for its preservation and the achievement of its ends. God is therefore a mediate cause of power, since He is the source of natural law but He does not choose who is to exercise it, nor does He establish the form the government has to take. All this is reserved to the free determination of the human will.”<sup>128</sup>

If the king does not act according to the law or in the absence of a legitimate successor, the exercise of sovereignty returns to the community. This Spanish doctrine in which the state is integrated by two elements –the king and the people or community— travels finally to America.

The young peasants, craftsmen, vagabonds and *regatones* of the Iberian Peninsula who traveled to the New World and settled there (for this was the emigrants’ profile), brought with

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<sup>127</sup> Salazar, *op.cit.* 2005, p. 61

<sup>128</sup> Eyzaguirre, *op.cit.*, p. 19. Cf. Francisco Suárez, *Tratado de las Leyes y de Dios Legislador*, Spanish version of J. Torrubiano, Madrid 1918-1921. Luis de Molina, *Los Seis Libros de la Justicia y del Derecho*, Spanish version and notes of M. Fraga Iribarne, Madrid 1941

them this republican democratic tradition from the Spanish *pueblos* to America, as it was formalized in the mixed legal regime described above, and certainly remained fresh in their political memory.<sup>129</sup> The Hispanic colonists were, by tradition, '*pueblo con fueros*' ('inhabitants of a town or place endowed with rights'). This popular memory of the old rights was now consolidated as a concept. The old *Derecho de los Pueblos* (Law of the Peoples) reappeared under some of the modernized forms of the *Derecho Indiano* (Indian Law). Philip II explicitly acknowledged the sovereignty of the old Hispanic communities when he ruled that 'home-owning colonists' in America were 'neighbors and *hijodalgos*' of the same rank and character as those existing in Spain. This meant that from then on colonists were considered both subjects of the king and *citizens* of the 'republics': *pueblos* locally governed by the *ayuntamientos* or colonial councils.<sup>130</sup> 'Neighbor' was understood as equal to 'citizen'. It is important to qualify this statement by saying that *mestizos* without a profession, *huachos* without family (orphans), and foreign peons –that is, everyone who did not belong to a *pueblo*— lacked that status of citizen. Contrary to the divine or rational sovereignty of the Empire, these 'republics' sheltered the popular sovereignty of the commune: town, city or place.

Hence, and notwithstanding the creation of *adelantados* and *tenedores de capitulación*, two titles created by the king that would constitute the seeds of a colonial bourgeoisie in America, the communal republic and the *cabildo* or council can be seen as central practices and institutions to the colonization process.

In Chile the people exerted their political rights from the onset. Shortly after 1541 when the city of Santiago was founded and its council established, a special situation occurred that illustrates the above. Pedro de Valdivia had arrived from Perú having received authority from the *conquistador* Francisco Pizarro; but soon thereafter news of Pizarro's sudden death reaches Santiago.<sup>131</sup> The king is too far away to offer an immediate solution and so the people of Santiago, by means of its council –its organ of expression—, determine that while the king is resolving the issue, Valdivia should take power as Governor of the Kingdom of Chile. Quite diplomatically Valdivia resisted several times before accepting to govern at which point he argues that 'the voice of the people is the voice of God'. When he was officially appointed Governor by Charles V, shortly thereafter, Valdivia underwent another ceremony at the council during which the citizens of Santiago ratified his title. All the subsequent governors of Santiago would undergo the

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<sup>129</sup> The typical emigrant was an impoverished Andalusian man of around thirty years old, single, without a defined profession, and quasi-illiterate. They traveled to Peru, for example, as part of the entourage of any man who could pay their travel expenses and secure the permission to travel. See: P. Boyd-Bowman, "Patterns of Spanish Emigration to the Indies until 1600", *Hispanic America Historical Review*, 56, 4, 1976

<sup>130</sup> Salazar, *op.cit.* 2005, p. 67

<sup>131</sup> Pedro de Valdivia (ca. 1500 – 1553) was a Spanish conquistador and the first royal governor of Chile. Francisco Pizarro (c. 1471 or 1476 – 1541) was too a Spanish conquistador who conquered the Incan Empire.

same procedure, which represented and symbolically enacted the old pact between the monarch and the people.<sup>132</sup>

The *adelantados* and the *capitulaciones*, while preserving the sovereignty of the king, contributed to form a large bureaucratic apparatus in the New Continent, which helped to mediate between the colonized masses and the Crown.<sup>133</sup> In turn, this put the colonies in direct contact with great European merchants and trade routes.<sup>134</sup> That is how a colonial elite of noblemen and traders began to grow. Moreover, the appointment by the king of viceroys, governors, *audiencias*, *corregidores*, etc., contributed to a greater centralization of the higher colonial authorities. Plainly, all this entered into conflict with the republican logic of the Hispano-American *pueblos*: imperial bureaucracy produced, at least for a while, a certain erosion of the institution of the *ayuntamiento* or council. The so called *venta de oficios reales*, by which the aforementioned titles and positions could be bought and sold, contributed to the further weakening of the council and the strengthening of the creole bourgeoisie. Mario Góngora and other prominent historians have studied this conflict between monarchical authority and the autonomy of the councils in depth.<sup>135</sup>

Upon the death of Charles II in 1700 and the occupation of the Spanish throne by the House of Bourbon, a new political orientation came to replace the traditional approach of the Habsburgs. The old national political doctrine –the harmonic link between the Crown and the people— gave ground to the French theory of the divinization of royal authority. According to it, the king receives his power directly from God, without community mediation. He needs not be accountable to the people, for the latter became the passive beneficiary of the king's favors. The Spanish Bourbons would govern during the eighteenth century according to this new principle, well captured in Louis XIV formula: 'I am the state'. An increasing centralization of political life, the creation of the *Intendencias* (as the king's direct agents in America) and *Secretarías*, as well as the expansion of commerce were the immediate results of this new political orientation. The old pluralism of 'kingdoms' and '*pueblos*' united under the figure of the king gave way to a unitary scheme: the idea of a national monarchy.<sup>136</sup>

In this manner during the eighteenth century *the democratic tradition of the productive communities* was overshadowed –both in the peninsula and in America—by political absolutism,

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<sup>132</sup> Eyzaguirre, *op.cit.*, pp. 28-30

<sup>133</sup> *Adelantado* was a title held by Spanish nobles in service of their respective kings during the Middle Ages. It was later used as a military title held by some Spanish conquistadores of the 15th, 16th and 17th centuries. The *capitulaciones* were contracts of a public nature by which the Crown of Castile entrusted to a leader the performance of a particular public service, such as discovering (by ship or by road), settling or rescuing people.

<sup>134</sup> Frederic Mauro, *La Expansión de Europa: 1600-1870*, Barcelona: Ed. Labor 1968, pp. 43-61

<sup>135</sup> Mario Góngora, *El Estado en el Derecho Indiano. Época de Fundación: 1492-1570*, Santiago: Universidad de Chile 1951

<sup>136</sup> Luis Sánchez Agesta, *El Pensamiento Político del Despotismo Ilustrado*, Madrid 1953

administrative centralism, mercantilism, and by several other measures,<sup>137</sup> but it managed to survive, and in the critical events of 1808-1810, when Napoleon invaded Spain, it made its re-appearance in the Latin American wars of Independence under the banner of modern republican ideals.

At least with the Chilean case in mind, I will claim that the political thought of 1810 was not constitutively based on a foreign element—despite the influence that the 1789 French Revolution and European liberalism might have had on the creole intelligentsia. The revolutionary ideology –as I will call that body of foreign theories and revolutionary lessons—provided a new language through which *the old democratic habits* could find continuity within the normative framework of the modern social imaginary (of European origin). It is also important to notice that before reading Rousseau, the educated Chileans of the 1810 generation had already become acquainted with the classical treatises of Francisco Suárez as well as with the eighteenth century liberal critics Feijóo and Campomantes, which suggests that the old doctrine on the popular origin of power (and its limits) together with the nascent peninsular liberalism prepared the revolutionary climate in Chile before the *Social Contract* was even heard of. But more important than these theoretical influences, it was the weight of three centuries of a lively republican tradition during colonial times that is the decisive factor for understanding the 1810 juncture and Chile's smooth initial transition in the early years of the Independent Republic.

Once the Imperial legitimacy of Spain was eclipsed by Napoleon's invasion and king Ferdinand VII was absent (in 1808), the local *criollos* began to meet in the *cabildo* –the traditional (that is, colonial) site where the sovereignty of the Chilean *pueblos* resided— in order to autonomously decide their political fate. This was the beginning of that foundational period when the Chilean state was built. In the eyes of the people, the enemy was neither monarchy nor the king himself but absolutism and, more immediately, the French invaders. In fact, the imprisonment of Ferdinand VII provoked outrage both in Spain and Chile and only a very small minority of Chileans thought about independence at that time.<sup>138</sup> In the king's absence, however, power logically returned to the people, which immediately began appointing authorities to govern on his behalf. Thus, each important city in Spain formed a governing *Junta*, something that was some time thereafter replicated by the Chilean creole aristocracy—a move in perfect consonance with the old political imaginary shared by the Ibero-American peoples. It was the awakening of the old political rights of the community. As Eyzaguirre rightly observes, “the recovering and defense of the attributes of the ‘republic’ did not imply a weakening of obedience

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<sup>137</sup> The suppression of the Jesuits in the Spanish Empire in the eighteenth century had deep political significance as well. It can be seen as an attempt at removing the old thesis concerning the popular origin of sovereignty, a thesis brilliantly defended by famous Jesuit theologians and moralists.

<sup>138</sup> Sergio Villalobos, Osvaldo Silva, Fernando Silva & Patricio Estellé, *Historia de Chile*, Santiago: Editorial Universitaria 1974, pp. 339-345

towards the monarch. On the contrary, the latter become more spontaneous and sincere when it appeared to be adopted by the free will of the people.”<sup>139</sup> The idea of legitimate political self-determination by the American colonies was reinforced by the people’s clarity and awareness that the Indies –a political body with a life of its own—belonged to the Crown but not to the Spanish nation.<sup>140</sup>

So the independentist movement that started in 1810 is better understood as the abandonment of monarchical republicanism and the embracing of a modern, secular version of republicanism, a process to which the revolutionary ideology (liberal and secular) was instrumental. Within the Chilean aboriginal *imaginary*, ‘monarchical republicanism’ was not a contradiction in terms but a most natural formula. Thus independence was not felt by the majority of Chileans as a radical break from the past, or as the end of a ‘dark age’ of colonialism and a move towards a completely different and brighter political cycle enlightened by progressive European ideals. The transition was meant to be relatively smooth and as a process of re-interpretation of the past. And so it was, at least until a certain point in time, as we shall soon see.

In what particular places can we see this process of re-interpretation based on older practices? In the very beginning (1808-10), this gesture materialized in an attitude of resistance and contempt by the creole aristocracy towards the governor’s pretensions of legitimacy despite the eclipse of imperial legitimacy produced by the absence of the king. The *Gobernador del Reino* (the Governor of the kingdom), the arbitrary and capricious García Carrasco, was thus forced to resign from his post. In his place prominent residents of the city of Santiago, through a *cabildo abierto* (open council or town meeting), called on the people to appoint a provisional government (*Junta*) until the formation of a congress of deputies, elected by all the Chilean *pueblos*, could be orchestrated. Interestingly, this congress was imagined and referred to as a ‘*Cabildo de cabildos*’ (a ‘Council of councils’). The old *Derecho de los Pueblos* was driving here the creole aristocracy in their affirmation of a *local* principle of political autonomy *vis-à-vis* the political authority of the Empire. This was the first move towards the construction of a ‘national’ state; but in its original conception, it was a state sovereignly built by the people from the local level, step by step. In the eyes of the patriots, what justified, this way of proceeding?

One of the most influential public figures at that time, Manuel de Salas, wrote a pamphlet entitled *Diálogo de los Porteros* where he encouraged the *criollos* to support the formation of the *Junta*.<sup>141</sup> This piece of writing is important because it represents an actualization of the doctrine

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<sup>139</sup> Eyzaguirre, *op. cit.*, p. 96

<sup>140</sup> At that time, the patriots frequently recalled the historical fact that Pope Alexander VI’s cession of the Americas was a concession granted not to the Spanish people or to the provinces of Spain but to the kings of Castile.

<sup>141</sup> Manuel de Salas (1754 -1841) was a distinguished educator and patriot for the cause of independence in Chile. He is considered one of the founders of the republic.

on the popular origin of power and contains many quotes from the old Castilian legislation. The ancient ideas and norms enshrined by Alfonso X in his *Siete Partidas* acquired here again—more than five centuries later in Chile—a concrete application. The same can be said with respect to another important and widely read pamphlet which circulated during those days, the famous *Catecismo Político Cristiano* (Christian Political Catechism) written by the enigmatic José Amor de la Patria in which we find the political doctrines of the Spanish scholastics, such as Suárez and Molina, clearly expressed.<sup>142</sup> The events around 1810 were carried out under an explicit reinterpretation of older forms of legitimacy. The movement for independence started as an affirmation of the communitarian rights of the people, based on local political principles, that is, under the prevailing circumstances the Chilean people believed they had the 'legitimate right' to form a Junta. It is worth noting that at this point neither Rousseau, Voltaire nor Montesquieu had made their influence felt.

On the 18th September 1810 the first *Junta Nacional de Gobierno* (National government) was formed. In that solemn moment José Miguel Infante, *Procurador* of the city of Santiago, pronounced a memorable speech elucidating the reasons that justified the creation of the *Junta*.<sup>143</sup> According to Infante, it was a legitimate action based on the centuries-old law of the *Partidas* (he specifically quoted the third law, title 15, second *Partida*), and the example set by the Spanish *Juntas* only confirmed that the ancient law was being correctly applied in this particular case.<sup>144</sup> The establishment of the *Junta* thus followed the logic of bottom-up decision making characteristic of the political mentality of the creole. "In this way, sovereignty continued to be rooted at the local level, while the *Junta* was giving birth to a supra-local system of political representation –the first step for establishing the Council of councils or a future 'national' state."<sup>145</sup>

It is true that the first *Junta* was set to rule the country on behalf of the king while he was in prison, but it is no less true that the Chilean *criollos* were actually exerting their political sovereignty and that they were ready to go much further in this direction, even against the sovereignty of the monarch. This became evident when the *cabildo* of Santiago dictated the regulations by which the Junta had to proceed, as well as its remunerations, which meant that popular sovereignty assumed, *per se*, legislative powers at the national level. Fifteen of the most important *pueblos* gave their recognition to the Junta, among them Copiapó, Coquimbo, Valparaíso, Rancagua and Concepción. "The recognition of the brand new *Junta de Gobierno*

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<sup>142</sup> Manuel Giménez Fernández, *Las Doctrinas Populistas en la Independencia de Hispano-América*, Sevilla 1947. Until today, the identity of author of the *Catecismo* is unknown.

<sup>143</sup> José Miguel Infante (1778-1844) was a Chilean statesman and political figure. He served several times as deputy and minister, and was the force behind the Federalist movement in the country.

<sup>144</sup> "Parecer del Procurador de la Ciudad de Santiago, don José Miguel Infante, Negando la Legitimidad del Consejo de Regencia", in Ana María Stuenkel & Gabriel Cid, *Debates Republicanos en Chile. Siglo XIX*, Vol. 1, Santiago: Ediciones Universidad Diego Portales 2012, pp. 72-79

<sup>145</sup> Salazar, *op. cit.* 2005, p. 95



revealed that the open assemblies of the *pueblos* incarnated sovereignty and therefore, at the end of the day, political power.”<sup>146</sup> In April 1811 the representatives of the *pueblos* were elected to form the first National Congress. Thirty-six deputies had to present themselves in Santiago in order to initiate the session on the 1st of May. Here, too, the traditional political philosophy is evoked –in the person of the oldest deputy present, Juan Antonio Ovalle—for grounding the legitimacy of the congress, where the loyalty to Ferdinand VII was still alive, although a climate of separatism was ever growing.

The constitutionalist revolution of 1810 was therefore entirely based on a popular-autonomist republicanism, whose logical opposite was eighteenth century absolutism— a century of oblivion of the traditional rights of the people, in Chile as elsewhere in Hispanic-America. For all the reasons argued above, there is ample evidence to conclude that the Chilean founding transition to democracy started as a smooth transition: the Hispanic-American concepts of freedom, limitation of (royal) power and people’s participation in political life were in place and had been adapted to the new circumstances without much difficulty.

However at this point the thought of Rousseau enters the scene, mainly through his most ardent Chilean advocate, Camilo Henríquez.<sup>147</sup> Henríquez is a figure who breaks with tradition, at least with the Spanish judicial-philosophical tradition, and who encourages his fellow countrymen to push the revolution forward in a more radical direction. He speaks on behalf of the Enlightenment masters: Rousseau, Raynal and Montesquieu. In his *Proclama de Quirino Lemáchez* –an influential essay that circulated in early 1811 which was destined to promote the election of representatives to the first National Congress—Henríquez wrote about “the rights of men” and of the way of securing these through “a freely accorded social pact”<sup>148</sup>; but we also find in the essay the doctrine of the division of powers (legislative, executive, judicial) and a reference to the United States of America as the shining star of freedom in the midst of the dominant despotism.<sup>149</sup> Manuel de Salas would also allude to the United States as a model of political liberties, defending the idea of a ‘popular representative government’ as the only form

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<sup>146</sup> *Idem*, p. 101 ff.

<sup>147</sup> Friar José Camilo Henríquez (1769–1825) was a priest, author and politician, and is considered an intellectual antecedent to and founding father of the Republic of Chile for his passionate leadership and influential writings. He was also one of the most important early South American newspaper writers and author of several essays, most notably the *Proclama de Quirino Lemáchez*, which promoted Chilean independence and liberty.

<sup>148</sup> The political doctrine of the Spanish school also uses a contractual language but its authors distinguish the social contract, which gives legal birth to the community, from the political or domination contract, which establishes the form of government and its office holder. Rousseau, on the other hand, erased the domination pact from the contractual doctrine: government could not be, in his opinion, a pact of submission as the result of a bilateral agreement but a mandate. This is of course the expression of the modern ideal of moral order described in chapter 5. Furthermore, Rousseau did not conceive the social contract as a factual event but rather as a regulative idea, an ideal legitimation pattern.

<sup>149</sup> Camilo Henríquez, “Proclama de Quirino Lemáchez”, in: Ana María Stuenkel & Gabriel Cid, *Debates Republicanos en Chile. Siglo XIX*, Vol. 1, Santiago: Ediciones Universidad Diego Portales 2012, pp. 119-124

able to reestablish men's rights. Unlike Henríquez, de Salas continued to view these reforms in harmony with the monarchical principle. The distinguished jurist and philosopher Juan Egaña would adopt a similarly eclectic position as that of Salas, as we will see below.

The course of events begins to change. In line with Henríquez, the Chilean General José Miguel Carrera<sup>150</sup> would represent the most resolute separatist faction of the patriots and under his leadership Chile's political life would become progressively more estranged from its original republican roots and its organs of expression: the council and the newly formed Congress. But even here the official political philosophy guides the patriots' actions: in September 1811 Carrera denies the central authority of the Spanish *Juntas*, the the *Consejo de Regencia*, all power within Chilean territory, while maintaining loyalty to the king. His Constitutional Regulations of 1812 would also be based on these principles. The old doctrinarism thus proved to be instrumental to achieve Chileans' aspiration for *total* independence from the metropolis during 1812 and 1813, which at this point were also under the influence of French political philosophy.

Not scholastic but enlightenment thought ('political science') is the source from which Henríquez rediscovers, so to speak, the rights of the people. His narrative tells us of a time of 'ignorance' and 'servitude' in Colonial America and invites the Chilean people to make a radical break with that past in order to conquer their freedom. But as a historical judgment, the view proclaimed by Henríquez distorts the real picture. For, as we have seen, pre-Rousseau Chile was characterized precisely by a great self-awareness (and not ignorance) by the people with respect to their rights, where the constitutional revolution of 1810 has to be understood as the fruit of – rather than a break from— Chile's political-judiciary tradition. From 1811 on the liberal ideology, in particular the ideas of French and Anglo-Saxon philosophers, quickly entered into the vocabulary of the Chilean intelligentsia. These moral and political ideals were going to be utilized over the next two decades with diverse interests and goals in mind. Republicanism became thus a place in dispute.

Over and above all the different individual positions in this debate, two radically different interpretations of the Republic began to emerge, achieving mass mobilization during the next two decades in the country: firstly, an aristocratic-authoritarian version of republicanism based on the intermingling of Imperial-mercantile practices and Enlightened values, which would lead to the formation of what we will call the 'Portalian state', as institutionalized by the Political Constitution of 1833. Secondly, a popular-democratic republicanism emerged based on the political imaginary of the *pueblos*, whose political leaders – the liberals Freire and to a lesser extent Pinto<sup>151</sup>— fought for the establishment of a type of

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<sup>150</sup> José Miguel Carrera (1785–1821) was a Chilean general, member of the prominent Carrera family, and considered one of the founders of independent Chile. Carrera was the most important leader of the Chilean War of Independence during the period of the *Patria Vieja* ('Old Fatherland').

<sup>151</sup> Ramón Freire (1787–1851) was head of state on several occasions and one of the principal leaders of the liberal *Pipilolo* movement. He has been praised by historian Gabriel Salazar as the most democratic leader of

republic in which the new liberal principles of its 1828 Political Constitution implied the rebirth of the old laws of the people. Whereas the conflict during the *Patria Vieja* (1810-1814) basically consisted in an ideological clash between absolutism and republicanism (and not simply in a regionalist rivalry between Spaniards and Chileans), the years to come would evidence the growth of an internal ideological division in the country between two 'republican' state-building projects.

## 11. The revolutionary ideology: The arrival of the modern social imaginary

North-Atlantic political theories were utilized not only in the design of the 1833 national re-building of the Republic by the conservatives but also helped to articulate the demands of the opposing political 'camps': *pipiolo*s, liberals and federalists, which represented in part the rebirth of the pre-modern social imaginary under a new (modern) principle of legitimacy. In this chapter we describe this body of ideas *as they were received and interpreted in Chile*.

The British historian Simon Collier used the expression 'revolutionary ideology' to refer in general to the main ideas and emotional attitudes which animated the political history of Chile from 1808 until 1833, that is, from the eve of Independence to the Conservative Political Constitution elaborated under the influence of Diego Portales.<sup>152</sup> However, if during the period 1808-1822 an apparently coherent 'commonly accepted body of ideals' was shared by the creole elite, the emergence of the federalist movements of the 1820s finally made clear that under the surface of political events, deep ideological differences existed among the Chilean patriots. Thus, contrary to the interpretation provided by Collier, I do not consider the decade from 1823 to 1833 merely as a consolidation of the political issues raised in the previous period. Instead and above all it is a particularly critical time in the history of Chile during which *two significantly different political imaginaries* gain their distinctive contours, violently clash (Battle of Lircay), and lead to events that culminate with the 1833 Constitution. This *founding clash* of self-interpretations will decisively influence all later political history of this country, as I want to show.

Despite his clear identification of a change in the political discourse after 1823, Collier underestimates the level of tension that this new political scenario, introduced into the young

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the early republican period in Chile. Francisco Antonio Pinto (1785-1858) was twice President of Chile between 1827 and 1829.

<sup>152</sup> Diego Portales (1793-1837) was a Chilean statesman and entrepreneur. As a minister of President José Joaquín Prieto, he played a pivotal role in shaping the state and government politics in the 19th century, delivering with the Constitution of 1833, the framework of the Chilean state for almost a century. Portales influential political stance included unitarianism, presidentialism and conservatism which helped to consolidate Chile as a constitutional authoritarian republic with democracy restricted to include only upper-class men.

Republic, particularly, the social movements of the years 1822-1828, which would have lasting consequences for domestic politics:

“Independence from the Empire, the liberal political philosophy, anti-colonialism—these were settled, as issues, by 1823. But in fact it took a further decade for certain other matters to be settled as firmly or as finally. The debates on federalism, on the right degree of executive authority, and on the organization of the Republic in general were all of them questions which remained undecided until after the *pronunciamiento* of 1829.”<sup>153</sup>

What his analysis ignores is the clash of *imaginaries* already at work during those years, which suggests that this problem cannot be elucidated from the restrictive disciplinary boundaries of the history of ideas. Moreover, in line with a critical interpretation of the history of Chile, I oppose the conservative thesis that points to the existence of an early ‘national consensus’ among the political elites, but will show instead that during the entire nineteenth century (and, under different forms, beyond) a series of political confrontations between liberals and conservatives took place which partly helped to shape Chile’s democratic culture as we know it today.<sup>154</sup> What stood behind these struggles was the confrontation between a local popular-democratic imaginary and an aristocratic-authoritarian republicanism of foreign origin.

Therefore, our analysis of the period will unfold in two steps. Firstly, I will use the term ‘revolutionary ideology’ in the limited sense of characterizing the first principles imported from abroad or, following Taylor, the *modern social imaginary* which articulated and guided the political life of the whole period under consideration –and which influenced, in different ways, both contending parties in the internal conflict that takes place during the 1820s. Secondly, and only after considering this general framework, I will concentrate on the *internal differences* that emerge within this modern social imaginary and which transform the newly born Republic of Chile in a war camp between two state-building projects. It will become apparent that these differences were rooted in Chile’s colonial history and political antecedents.

As we define it, the revolutionary ideology in Chile has a foreign origin. It was imported from Europe and North America, derived from the liberal thought of the enlightenment as well as from the experiences of the American and French revolutions. Traditional Spanish elements

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<sup>153</sup> Collier, *op. cit.* 1967, p. xiii-xiv of the Preface. The late Collier, however, explicitly acknowledged his earlier unilateralism by focusing too much on ideas and too little on social processes or history ‘from below’. In his last work he wrote: “In the past thirty years or so, scholars have gone a long way toward rectifying our previous substantial ignorance of the economic, social, and cultural history of Chile’s postindependence decades...” Collier, *op. cit.* 2007, p. xvii

<sup>154</sup> The conservative historians Francisco Encina, Jaime Eyzaguirre and Gonzalo Vial talk about the achievement of an early ‘national consensus’ as the basis for the development of the ‘Portalian order’. Contrary to this view, other historians and political scientists, such as Ricardo Donoso, Brian Loveman and Elisabeth Lira see political development in Chile as a history of political struggles, which included violent confrontations: civil war, restriction of public liberties and exile.

contributed virtually nothing to this new ideology. Collier summarized its main features in the following way:

“There exists an ideal pattern of natural law to which human institutions must ultimately conform. Government is contractually instituted and hence depends on the consent of the governed. Sovereignty, which thus belongs to the whole people, can best be delegated through a representative system of government. The state must be subject to a written constitution which divides the powers equally and separately. Man, despite his contractual involvement in political society, nevertheless possesses certain natural and inalienable rights—liberty, security, property and equality—which it is the first duty of governments to protect. Republican government, to operate effectively, depends on a minimum of public virtue which can be best secured through the enlightenment of the citizens.”<sup>155</sup>

In short, it was an individualist liberal political philosophy—the orthodoxy of the late eighteenth and early nineteenth centuries in the Western world, whose origin lies in theories of natural law from the seventeenth century. Despite its foreign origin, I will describe the revolutionary ideology of the creole as *they* understood it. The educated elite who carried out the revolution made a selective appropriation of certain European and North-American theories, and many of these ideas were interpreted and used with an eye to the particular circumstances and needs of the country. This was the ‘Chilean trajectory’ of the modern social imaginary, one which is at the root of political modernity in the West, as Taylor has shown.<sup>156</sup>

Already during the *Patria Vieja* (Old Fatherland, 1810-1814), we find the main *motifs* of the revolutionary ideology appearing, and, as noted above, these were in consonance with Natural Law theories. As early as 1811, during a sermon Camilo Henríquez spoke about the idea of Natural Law as “an immutable and immortal justice, anterior to all empires.”<sup>157</sup> The intuition of the existence of a natural order in the universe to which human society had to conform, dominated the discourse of the whole period. Thus in 1827, for example, an influential newspaper stated: “Necessary laws direct all the beings of nature, and constitute, for us, the order of the universe; and natural law, equally necessary, directs mankind and maintains order in society.”<sup>158</sup> Bernardo O’Higgins, perhaps the most important revolutionary figure of the independent republic, shared this view. From this perspective human rights were thought of as inalienable (‘natural’), a notion that philosophically supported Chile’s newly gained autonomy as a country independent from the Spanish metropolis. The notion of natural rights came to replace the idea of rights as conceded by a monarch.

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<sup>155</sup> Collier, *op. cit.* 1967, pp. 177-178

<sup>156</sup> Taylor, *op. cit.* 2004

<sup>157</sup> Sermon of 4 July 1811, in Valentín Letelier (ed.), *Sesiones de los Cuerpos Legislativos de la República de Chile, 1811-1845*, vol. I, Santiago: Imprenta Cervantes 1887-1908, p. 34

<sup>158</sup> *Patriota Chileno*, 13 Januar 1827. Cited in Collier, *op. cit.* 1967, p. 134

Natural rights were understood as independent of any social authority, as a kind of justice ‘anterior to all empires’ in the words of Henríquez. The discussion of these rights appears frequently in the writings of intellectuals, in the newspapers of the period as well as in speeches pronounced in provincial assemblies. The clearest definition of these rights, however, comes perhaps from the preamble to the 1822 Constitution: “Government is established to guarantee to man the enjoyment of his natural and inalienable rights: equality, liberty, security, property.”<sup>159</sup> These were conceived as *individual* rights. Security meant that in judicial processes the laws should be applied independently of any influence from the government; and therefore the Judiciary had to enjoy autonomy from the Executive in performing its duty. Then there was the right to hold property, which also allowed the government –if circumstances demanded it— to legitimately take part of it away to satisfy the need of the community, that is, to issue taxes. The right to equality, contrary to North-Atlantic versions of it, was interpreted by a segment of the Chilean elite in a more restrained sense. According to Collier,

“The Chilean revolution was aristocratic; it was hardly in its interest to attempt to formalize any abstract ‘balance’ of classes. Equality, then, was tempered by the natural order and by a social stratification believed to be inevitable. It had to be reduced to the simple formula of equality before the law, and this, and nothing more, was the true meaning of the term throughout the period.”<sup>160</sup>

However, as we will later see, and contrary to Collier’s statement, this interpretation of equality was instrumental for the consolidation of *only one* state building project and cannot be said to apply to the federalists of the 1820s and their republican project.

With this background in mind, political society could only come into existence through a voluntary pact, the reason for which the revolutionaries now made recourse to the image of a ‘social contract’. In the words of Henríquez: “Nature made us equal, and only by virtue of a freely, spontaneously, and willingly concluded pact can another man exercise a just, legitimate and reasonable authority over us.”<sup>161</sup> With respect to liberty, Antonio José de Irisarri<sup>162</sup> and Henríquez agreed that liberty is founded on nature and by this notion they meant the right of the individual to act freely so long as he does so without violating the rights of the others. Among the most cherished freedoms by the creole intelligentsia were freedom of thought, opinion and expression (the later connected to the problem of the position of the press in this new republic).

The standard notions of classical contract theory, such as a ‘state of nature’, the idea of an agreement between equals or the conception of political society as an instrument to serve

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<sup>159</sup> Quoted in Collier, *op.cit.* 1967, p. 156-157

<sup>160</sup> *Idem*, p. 159

<sup>161</sup> Raúl Silva Castro (ed.), *Escritos Políticos de Camilo Henríquez*, Santiago: Editorial de la Universidad de Chile 1960, p. 46

<sup>162</sup> Antonio José de Irisarri (1786–1868) was a Guatemalan statesman, journalist and Interim Supreme Director of Chile (1814). He is considered one of the fathers of Chilean journalism together with Fr. Camilo Henríquez.

individual needs, were all present in the political discourse of the period, though sometimes put in different terms. The following declaration of Concepción's Provincial Assembly is a good example: "The origin of society was to seek that welfare which men were unable to find in solitary life. Men accepted one necessary evil (government) in order to avoid greater evils. So it is that the association has as its object the welfare of its associates."<sup>163</sup> Through this social contract, as the Chileans understood it, society freely transferred the function of regulation to a government. Interestingly, the local creole did not think of this contract as something fixed, as an agreement to be made once and for all. On the contrary, it could be perfected and reformulated under certain conditions, as Manuel de Salas argued; it could be broken and modified. Revolt was not only conceivable but deemed mandatory in cases where government action deviates from that which was stipulated in the original agreement or what amounts to the same, when the constitution was violated.

The revolutionaries of the first third of the nineteenth century also had a clear understanding of the idea of popular sovereignty and of the principle of free consent, two notions which of course maintain an intimate connection with the doctrine of contract. In an interesting passage, Henríquez explains sovereignty and points to its communitarian source: "Sovereignty is a power superior to all the other powers in society. Considered at its root, the term can only correspond to a power anterior to all others, a power which constituted all others, which is to say the power that created the social pact or constitution; and nobody doubts that this primitive and inalienable power, independent of all forms of government, resides in the community."<sup>164</sup> That is, sovereignty resides in the people. For Chileans the principle of popular sovereignty was much more than mere philosophical speculation, for every political constitution of the period made explicit reference to it. Sovereignty, though intransmissible (the people can never be rid of it), had to be delegated to a power which could legally employ it. Thus, representative government was another basic element of the creole ideology. The 'will of the majority', which was how the Rousseauian notion of 'general will' was interpreted, gave itself laws and nominated its representatives. The idea of government by consent was basically the same principle of popular sovereignty stated in a different way. The emphasis here was put on man's 'natural' and inalienable freedom which in turn legitimates, so to speak, the rights of sovereignty. So long as government was based on the free consent of the people it was thought to be legitimate.

Another widely shared conviction among the revolutionaries had to do with what was considered the right type of government. It was, undoubtedly, the republican form that the

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<sup>163</sup> *Patriota Chileno*, 6 September 1826. Cited in Collier *op. cit.* 1967, p. 135

<sup>164</sup> "Qué es el Pueblo en los Gobiernos Representativos?" In G. Feliú Cruz, *El Censor de la Revolución. Colección de Noticias. La Miscelánea Chilena. El Independiente. Mercurio de Chile*, vol. XII of the *Colección de Antiguos Periódicos Chilenos*, Santiago: Nascimento 1960, p. 308

Chileans strived for after the split with the Spanish crown, which amounted –in their view—to a democratic-representative government, at least during the period of the *Patria Vieja*. Beyond agreement about the principle itself, there was little consensus regarding the actual mechanisms of representation and other important related matters. As we will see, during the 1820s two radically different views on republicanism entered in conflict, a more aristocratic and a more democratic interpretation. According to Collier, at that time universal suffrage was out of the questions. After all –he says— the concept of ‘the people’ applied in practice only to a small segment of the population, since the revolution was, in reality, carried out by a small elite. In the present study, however, the notion of ‘the people’ will be critically discussed in light of the language used by the federalist movement, a line of thought which differed considerable from this mainstream liberal discourse. Collier also argues that North Atlantic theory allowed for the role of political parties, that they were thought of as necessary instruments for representative government in order to secure a plurality of views in the legislative bodies and to watch over the operations of the government. But it was not really the theory of that time but rather the practice, first of England and later of the US. Nevertheless, the founders of the US constitution hoped to by-pass parties. With respect to Chile, one must note that this ideological support for political parties did not immediately give rise to a concrete party system. During the early years of the republic, both liberals and *pipiolo*s –the oppositional forces at the time—were completely excluded from the political system, which after 1829 became exclusively monopolized by the Conservative coalition.

In addition to the need for political parties, a healthy representative system was thought also to require equal representation by country areas (provinces). Manuel de Salas during the *Patria Vieja* and later José Miguel Infante fought against the centralist tendencies of Santiago. But again this ‘fair representation’ as an element of the modern political imaginary of the revolutionaries, has to be distinguished from the local, properly Chilean, understanding of federalism, which we will study in the next section.

A written constitution was the embodiment of this social contract doctrine and the Chileans attached great importance to it. As we will see, this reverence for constitutions and legal documents in general represents a distinctive characteristic of the political mentality of the Chileans. In concrete, the political constitutions of this period were heavily influenced by the United States Constitution and the Spanish Constitution of 1812. According to Collier, “the fundamental motif of the constitutional theory of the revolution was the balance of powers.”<sup>165</sup> The general opinion was that the legislative, executive, and judicial branches had to be exercised separately but it remained unclear as to what the ‘right’ balance between the three should be (as well as the extent of their ‘separateness’). Indeed, opinions were very much divided on this

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<sup>165</sup> Collier, *op. cit.* 1967, p. 152



point. The ideas of Montesquieu –one of the favorite political philosophers of the creole—were interpreted differently, sometimes in a misguided way. Juan Egaña and Camilo Henríquez were divided on this point. In any case, the most hotly discussed issue referred to the extent of executive power. As we will see, this issue would constitute one important element in dispute in what I have termed Chile’s founding clash of political imaginaries.

Finally, this imported republican imaginary could not but include a great deal of reflection on the importance of virtue and the education of the citizenry. The general conviction shared by Irisarri, Juan Egaña, Henríquez and so many other intellectuals of the time was that liberty had to be accompanied by virtue. In their view, free republican institutions could not be safeguarded from anarchy, on the one hand, and tyranny, on the other, without a minimum of public virtue, a ‘virtuous national morality’. And education was seen as the proper way of introducing virtue. The foundation of the *Instituto Nacional* as early as 1813 demonstrates how seriously the early patriots took the problem of education and its consequences for national politics.<sup>166</sup> On the other hand, the diagnosis made by some politicians and intellectuals regarding the educational level of Chilean people would be a frequently used argument during the period for discarding the establishment of a ‘popular-democratic’ government as a viable option. Conservatives equated –almost *a priori*— democracy with anarchy. In chapter 12.1 I will develop this point extensively showing how the alleged ‘ignorance’ of the people was used by Bernardo O’Higgins, Diego Portales and the Conservative governments to justify the imposition of authoritarian regimes.

It should be clear by now that the core political ideas of this revolutionary ideology, which at least during the period 1808-1822 seemed to unite the revolutionaries under a common ideological framework, were of a liberal-individualist bent. England, France and North America were the countries the Chileans looked up to in search for inspiration. Collier identified a three-fold origin of the revolutionary theory. It stemmed “from the encyclopaedist tradition, with its rational emphasis on a universal natural order and its hope that infallible rules for the conduct of society could be found; from the deepening of some of those themes in the French Revolution; and from the moderate but parallel ideology of the independence movement in the Thirteen Colonies.”<sup>167</sup> The most frequently invoked authors in the writings and speeches of the Chilean revolutionaries were Montesquieu and Bentham. Other highly valued thinkers were Constant, Rousseau, Voltaire, Mably and Paine. Locke was also frequently quoted in political articles of the period, though less often than the aforementioned authors. From 1818 onwards,

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<sup>166</sup> The National Institute was founded on August 10, 1813 by José Miguel Carrera and is Chile’s oldest and most prestigious school.

<sup>167</sup> Collier, *op.cit.* 1967, p. 168

the *Federalist Papers* were also extremely influential in the thinking of Irisarri, Juan Egaña and the late Camilo Henríquez, as Vasco Castillo's study has shown.<sup>168</sup>

The previous synthesis of Chile's revolutionary ideology proves how far the European and North American political imaginary traveled and how deeply it influenced the main actors involved in the foundation of the Chilean Republic. It is present in all the constitutional experiments of the period, especially since 1818. But we have to be more precise with the language we are using here. What the creole intelligentsia took from abroad were a set of political theories and revolutionary lessons which proved to be instrumental for its (national) political project. This does not mean, however, that these *theories* and *lessons* –so passionately defended by the key political figures we have examined—immediately transformed the political *imaginary* of the Chilean people, which was still very much defined by the institutions and practices inherited from the colonial period. Chile's democratic transition was, on the contrary, a complex and long lasting process during which violent episodes were present and which decisively contributed to the final result. What I want to do, therefore, is to trace the historical developments by which a pre-modern social imaginary (colonial) was transformed into a modern one, and what sort of republicanism was the outcome of this particular 'Chilean trajectory' to political modernity.

As we saw in chapter 5, Taylor argues that the origin of our modern social imaginary – which underpins not only our forms of democratic self-rule but also the modern economy and the public sphere, among other practices of contemporary societies— is to be found in a new vision of moral order, most clearly stated in the Natural Law theories of Grotius and Locke. The more descriptive Grotian approach to explain what political society is, will be then worked out and used by Locke to draw stronger normative consequences. According to these theories, society is composed of individuals who already have certain natural rights and certain pre-political moral ties and obligations towards each other. In a search for certain common benefits political society is voluntarily established by these individuals through consent. This original contract gives legitimacy to political authority and creates binding obligations. Taylor contends that this new vision of moral order, first formulated in the seventeenth century, has not only not disappeared but over time has gained greater importance and has completely transformed the social imaginary of the Western world. At the core of our social imaginary remains the central idea of a "society as existing for the (mutual) benefit of individuals and the defense of their rights".<sup>169</sup> It is very interesting to confirm that virtually the same modern (theoretical) self-understandings constitutive of North-Atlantic cultures were also present in the early history of the Latin American republics, as the Chilean case shows. The new European idea of moral order

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<sup>168</sup> Vasco Castillo, *La Creación de la República: La Filosofía Pública en Chile 1810-1830*, Santiago: LOM Ediciones 2009

<sup>169</sup> Taylor, *op. cit.* 2004, p. 4

migrates towards the beginning of the nineteenth century to Chile and sets the tone of the political discussion, still wrapped up in contract language, with explicit reference to such notions as the social contract, the sovereignty of the people, representative government, individual rights, etc. This is undeniable and yet Chile's democratic culture, as we know it today, is unique: not only with respect to the English, French and North American democracies that in a way it is heir to, but also in comparison with other Latin American democracies. Our task then is to elucidate the Chilean trajectory to political modernity, giving special consideration to the foundational period of the republic since to a great extent it will determine the subsequent history of the country.

## 12. The founding clash – Two republican imaginaries

“The republican government can adopt two forms: either aristocratic, where only the noblemen and ottimati rule; or democratic, in which all the people rule, by themselves or through their representatives or deputies, as it is required to happen in great states.”

José Amor de la Patria (*Catecismo Político Cristiano*, 1810)

The political conviction and democratic spirit that animated the 1810 revolution gave way, in 1811, to a climate of increasing division and doubt. By appealing to customary law and through the organ of the council, Chileans had autonomously and successfully constituted their first *Junta de Gobierno* and called for the formation of a national congress. Since 1811, however, a series of events would change the political atmosphere. The emergence of autocratic governments (the Carrera brothers), the centralist pretensions of the city of Santiago and, last but not least, the process of reconquest, which entailed the reestablishment of Spanish rule between 1814 and 1817, gave the Chileans good reasons for taking a step back to reflect on what had occurred. In other words, the enthusiasm for republican liberty was mixed with a bitter taste of early defeat: “the confirmation that republican equality is linked to the problem of factions and that it can favor *caudillismos* and particularly military *caudillismos*, and then, the defeat and exile of the patriots in 1814.”<sup>170</sup> In addition to these factors, the public circulation of liberal theories, notably through Henríquez and his newspaper *La Aurora de Chile*, widened the possibilities of the debate, which ultimately led to that great dispute or clash of self-understandings about what republicanism ‘really’ meant in practice. To be sure, the clash was a reflection not only of theoretical speculations but of wholly different ways of conceiving the

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<sup>170</sup> Carlos Ruiz Schneider, Forword to Castillo, *op.cit.*, p. 10

state, society, economic development, etc. The *founding clash* was going to last twenty years. At best, it included public discussion and constitutional exercises trying to determine which kind of republican government was better suited for Chile, taking into consideration the particular historical circumstances of the country (Henríquez, J. Egaña, J. M. Infante, J. J. Mora, etc.); at worst, Chile suffered *coups* and military repression (Carrera, O'Higgins, Prieto).

As Vasco Castillo argues, the controversy of the period, especially during the 1820s, was concerned with determining the relationship between republicanism and democracy.<sup>171</sup> Whereas one group marked a distance between these two ideals, the other insisted in their identification. In 1818 a series of newspaper articles and essays began to circulate containing a self-critique of the first Republic (1810 until then) in which, according to the perception of a group of intellectuals, the excesses of freedom or 'pure democracy' had led the country into anarchy and license. Irisarri and the late Henríquez –very much influenced by liberal ideas and in particular by the American *Federalist Papers*— believed to find the solution in representative government and a strong Executive. These positions were supportive of O'Higgins' government of the day. But the people grew tired of O'Higgins and he was deposed. From here on, the country reaches its climax of divisiveness. Juan Egaña's 'aristocratic republicanism' reflected in the 1823 Political Constitution and its radicalized version in Mariano Egaña's 'Presidential solution' (embodied in the 1833 Constitution) would sharply contrast with the democratic republicanism of the Chilean liberal-federalists.<sup>172</sup>

The question is why, after the smooth transition of 1810, do we witness the polarization of this process? Where do we find the seeds of these divergent conceptions? The answer is a complex one that resists unilateral interpretations. Chile's independence and the first attempts at building a national republican state cannot be simply understood in terms of the political imaginary of the Hispanic scholastics (as Chilean conservative historians would have it), nor can it be adequately explained as a radical departure from the past. It has to consider elements of continuity and rupture, both the old and the new. The work of Vasco Castillo (2009) –which constitutes one of the latest important contribution to the field— presents the early discourse on republicanism as the fruit of the use and appropriation by the Chilean elite of North-Atlantic theories and constitutional projects, in particular those of Montesquieu, Destutt de Tracy, Madison and Hamilton. This hermeneutic strategy might work to illuminate the republican models of Camilo Henríquez and Juan Egaña, for instance, but it fails to make sense of the

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<sup>171</sup> *Idem*, pp. 77-82

<sup>172</sup> This controversy that marks Chile's founding of the republic has been central to modern political thought in the West. Consider, for example, Machiavelli's critique of the civic humanists of the *quattrocento*: the contrast between the popular republican model (Florence) and the aristocratic republican model (Venice) which Machiavelli despises. See J. G. A. Pocock, *The Machiavellian Moment*, Princeton: Princeton University Press 1975

demands of Vicuña<sup>173</sup>, Cienfuegos<sup>174</sup>, Infante and other liberal-federalist leaders. For, as I want to show, the latter group's political agenda is deeply anchored in the imaginary of the *pueblos*, as it was characterized in chapter 10. On this point, consider the following remark from the same author:

"By trying to impose the term 'pueblos' on the political language of the day, these authors [the federalists] are doing something. It's not about the hardly believable, naïve operation of naming something that is a mere fruit of fantasy. What it intends to do with the imposition of the word 'pueblos' is to create a new previously inexistent space where a new political subject can speak, one which has not yet existed."<sup>175</sup>

Castillo adds in a footnote that the word 'pueblos' is likely to have its origins "in the transmission of the political language elaborated in the Provinces of Río de la Plata." But this is certainly insufficient as historical background. My claim is that it is not possible to really grasp what was at stake for the federalist movement –and in general for the political events of the whole period— if we ignore Chile's colonial antecedents and the underlying political meaning of the events around 1810, as we have attempted to do above. From 1810 and during most of the nineteenth century, people spoke in the name of the *pueblos* every time they wished to invoke the old rights of the people. As a general rule, the term was never used in an abstract sense and its use in the plural form was intended to evoke an old principle of legitimacy. For these reasons, one of the main goals of the present research consists in emphasizing the lines of continuity with the past that help explain Chile's early republican history.

Looking backwards, the mysterious author of the *Catecismo* (see the quote opening this chapter) was able to predict as early as 1810 the central tension that would dominate the political debate over the next decades in Chile: between the proponents of an aristocratic republicanism ("where only the noblemen and *ottimati* rule") and those in favor of a democratic republicanism ("in which all the people rule, by themselves or through their representatives or deputies"). In the next sections, we will be dealing with both republican imaginaries, their influences and their discourse variations over time. I want to stress the point that since I am interested in describing the content of social imaginaries –what ultimately constitutes a 'democratic culture'—, our attention will be as much focused on philosophical conceptions as in tracing the living development of concrete sets of political understandings and practices through the history of Chile. In terms of philosophical conceptions, Juan Egaña and then his son Mariano are central figures in the development of the anti-democratic or aristocratic imaginary. As a

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<sup>173</sup> Francisco Ramón Vicuña (1775-1849). Chilean military man and politician. He served for a short period as President of the Republic in 1829. Great advocate of J. M. Infante's federalist ideas.

<sup>174</sup> Fr. José Ignacio Cienfuegos (1762 – 1847) was a Chilean priest, bishop of Concepción and political figure. He served twice as President of the Senate of Chile.

<sup>175</sup> Castillo, op. cit., p. 154

roadmap for our exploration, we follow here José Victorino Lastarria's<sup>176</sup> critical remark when he observed –as early as 1853—that the aristocratic principles that grounded the long-lived 1833 constitution,

“were the principles of the statesmen who figured in Chile and who had exerted their influence from the outset of the revolution. These principles were those which had prevailed in the constitutional project drafted by Mr. Egaña (commissioned by the 1811 High Congress), in the provisional constitutional regulations sanctioned and sworn on the 27<sup>th</sup> of October 1812, in the constitutions of 1818 and 1822, in the 1823 constitutional regulations” and the same principle of the Constitution of 1823. “In each of these codes we see an aristocratic senate –more or less permanent— crowning the political organization; we see popular representation annulled and only find distorted democratic principles through a thousand aristocratic or monarchic formulas.”<sup>177</sup>

Lastarria was clear that this aristocratic tendency meant a betrayal to the principles of the 1810 constitutional revolution. For him, as for the 1820s federalists, there was an essential correspondence between republicanism and democracy. From the viewpoint of the present investigation, the quote from Lastarria provides an overview of the mainstream ideological position shared by Juan Egaña, José Miguel Carrera, Bernardo O'Higgins and Rodríguez Aldea, which will culminate in the thought of Mariano Egaña.<sup>178</sup> By studying this line of republicanism, I hope to reconstruct the ‘aristocratic-authoritarian’ political imaginary as a more or less coherent collective self-understanding. The intellectual history presented in the next section will be complemented in later sections with an analysis focusing more specifically on the existing social and economic circumstances surrounding the clash of imaginaries.

### 12.1. Republican virtue and aristocratic rule

The language of civic virtue and the public good is present in Independent Chile and is manifested notably in the works of Henríquez, Irisarri and Juan Egaña. The 1814 Reconquest, however, weakens this spirit and its advocates become more conservative in their proposals. Thus, a transition from a more liberal, inclusive discourse on republican virtue (the years 1810-1814) to a more conservative language from 1818 onwards is noticeable. The form in which the

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<sup>176</sup> José Victorino Lastarria (1817-1888), Chilean writer, politician, and revolutionary figure.

<sup>177</sup> José Victorino Lastarria, *Historia Constitucional del Medio Siglo*, Valparaíso: Imprenta El Mercurio 1853, p. 434

<sup>178</sup> Mariano Egaña (1793 - 1846) was a Chilean lawyer, conservative politician and the main writer of the Chilean Constitution of 1833.

aforementioned authors spelled out the ideal of virtue –which concluded the supposed lack of virtue among non-elites— built the principal argument in favor of minority rule and the reason why democracy’ in early nineteenth century Chile was a scare term.<sup>179</sup> Though indirectly, such aristocratic language also contributed to legitimating the plainly authoritarian governments of the conservative period (1831-1861).

As we saw, Camilo Henríquez’s political discourse radically departed from the inherited forms of political legitimacy. His views connect with a tradition of anti-monarchical political thought. His first years of literary and political activity (1811-1813) are optimistic and in a certain sense naive; he strongly believes that the spreading and establishment of European republican ideas, values and institutions in Chile will produce a profound transformation in the political life of the country. Quoting extensively from (sometimes plagiarizing) Rousseau, in diverse newspaper articles and public speeches Henríquez develops the main concepts of a long European tradition of republican thought: love of the fatherland, patriotism, political liberty and virtue. In line with this republican tradition, Henríquez speaks of virtue as an essential quality of the citizen without which the establishment of the republic and its protection would be unthinkable, and he connects it closely with the love of the fatherland. In his *Proclama de Quirino Lemáchez*, he argues:

“To the enlightenment of reason must be added the patriotic virtues, magnificent adornment of the human heart: the acclaimed desire for freedom and the generous disposition of sacrificing personal interest for the sake of the universal interest of the people. At the very moment when a man becomes a legislator, through the vote and thanks to the confidence of his fellow citizens, he ceases to exist for himself only and has no other family than the great association of the state.”<sup>180</sup>

Henríquez thinks that civic virtue has to be conceived as a passion of the citizen, as a feeling of love towards *his own* liberty –self-love—, closely following Rousseau in his *A Discourse on Political Economy*. This is, for him, the inner link between virtue and liberty. Without this feeling, a man would never be willing to sacrifice his life in defending the existence of his government. The maintenance of liberty, thus, requires the cultivation of virtue. In his *Catecismo de los Patriotas* (1813), Henríquez gives a more detailed idea of the virtues that are necessary in a republic:

“Liberty is conquered with courage or strength. This is the principal virtue of the republics... But not all citizens must express courage in the same way. The judge who makes sure the law is observed –facing and

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<sup>179</sup> This fear of democracy, it has to be noted, was widespread in the late eighteenth century. The Aristotelian idea that democracy was a form of rule biased in favor of the ‘demos’, as against what we now consider it to be, viz., rule by everybody, was still ascendant.

<sup>180</sup> Stuvén & Cid, *op. cit.*, p. 124

destroying the wicked or those disturbing public order, those who plot against liberty and the security of the people—pays tribute to his fatherland with courage and magnanimity, just as does the soldier who advances under enemy fire. For the same reason, the public man who compromises his opinion and his feelings out of terror is as cowardly as the soldier who throws his weapons down in combat and flees. The functionary who by flattery or self-interest compromises the popular rights is as perverse and vile as the soldier who lets himself be corrupted by money from the enemy.”<sup>181</sup>

Corruption and vice arise –according to Henríquez— in despotic governments, not only because of the evils associated with the behavior of tyrants or the ruling class (ambition, greed, private interest, etc.) but also because under these conditions the people would allegedly live in a state of ignorance of their (political) rights. And this is precisely Henríquez’s diagnosis of the situation in which the Chilean and Hispanic American people find themselves, as a result of centuries of colonialism: “...the vassals of absolute governments live in perfect ignorance of politics, of public interest, and of the rights of men and of the citizen. The greater the level of despotism, the more and gloomier this ignorance: so that when the colossus of despotic authority is shaken and overthrown, men are left ignoring what was most important for them to know.”<sup>182</sup>

Here we discover the first roots of that lack-of-virtue argument against non-elites that would be increasingly used during the period for justifying elite rule, and which would indirectly contribute to the legitimation of the authoritarian Constitution of 1833. But the question naturally arises: did the Hispanic-American peoples *really* live during colonial times in political ignorance? Henríquez’s writings and public addresses hardly ever include concrete evidence from the history of Chile for supporting this thesis. When reading him, he appears more like a philosopher, a learned man, who took Rousseau and other Enlightenment thinkers and transposed their analyses and conclusions to the Chilean reality, without a proper justification for this way of proceeding. At least his *early* convictions –conveyed to the public with great rhetorical power during the years of the *Patria Vieja*— seem to stem more from books than from a careful historical-sociological analysis of the country and its political circumstances.<sup>183</sup> His later writings, however, do not exhibit this deficiency to the same degree, as we will see.

The other important exponent of the republican doctrine of civic virtue during the *Patria Vieja* is Juan Egaña, and his main source is Montesquieu. He thinks of virtue as the necessary foundation or central pillar of the new political regime established in 1810. In line with *The*

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<sup>181</sup> *Idem*, p. 329

<sup>182</sup> *Aurora de Chile*, 10 September 1812. Cited in Castillo *op. cit.*, p. 39

<sup>183</sup> Henríquez’s philosophical and abstract frame of mind is reflected when he says: “...and if you are to possess a wise Constitution and excellent laws, you have to receive them from the hands of the philosophers, whose lofty mission is to interpret the laws of nature, take men out of the darkness of tyranny, imposture and the brutality of centuries, educate men and lead them to happiness.” Stuenkel & Cid, *op. cit.*, p. 122



*Spirit of the Laws*, he understands it as the preference of public over private good by the citizen, which in turn is inextricably linked with a feeling of love of the fatherland. He strongly believes in the power of law as a means of instilling virtue in people, in forming an *ethos* or national character. Furthermore according to Egaña law has a 'moral' power or dimension in its capacity to form customs. And this is a task of great importance, for in his mind Chile does not yet exist as a civic or political community. Again we encounter a lack-of-virtue type of argument: no trace of virtuosity is to be found among the Chilean people and thus the Republic has to start from scratch. In the third *Ilustración* of his 1811 Constitutional Project, he explicitly declares that the Chilean people,

"...due to its political nullity, for its not being devoted to itself, for being indifferent to everything that surrounds it, and having fixed its hopes and opinions on another distant nation... then, I say, the legislator must give it morality and opinions. Such is the case of Chile, whose inhabitants have known no Fatherland but Spain from whom they received a precarious existence, [but] that for its political existence nature seems to have pointed at the republican government, a mix of aristocracy and democracy, which is the most perfect according to Aristotle."

And then a few sentences later Egaña concludes: "...Chile needs: first, a principle of patriotism and strength, which can only be found in the Republic".<sup>184</sup> The republic is conceived as a radical 'creation' that passes through the *formation* of the virtuous citizen. And only law can do this. That is why Egaña attaches so much importance to the framework through which law can exert its power: a political constitution. Civic education –a constitutional creation— is therefore a *sine qua non condition* of the Republic. The foundation of the already mentioned *Instituto Nacional* in 1813, for example, was mainly the fruit of Egaña's determination and his faith in the role of education in the young Republic.

However, in the same year Spanish military forces invade the country, a process which terminates in the reconquest of Chilean territory in 1814. As Castillo argues, "the real threat of losing freedom, caused by the war, generates a new reflection on virtue, vice and corruption, that seeks now to inquire into the internal causes that lead to the ruin of the republic."<sup>185</sup> But not only war. The rise to power of the Carrera brothers during the previous years had also exposed the fragility of the new Republic, associated with the problem of factions and military *caudillismos*. This time, Antonio José de Irisarri analyzes the situation in the pages of *Seminario Republicano*, in which he returns to the theme of virtue as the central element of a healthy republic. In contrast to the previous arguments forwarded by Henríquez and Egaña, Irisarri possesses now at least some evidence that gives him reason to doubt the level of enlightenment

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<sup>184</sup> Ramón Briseño, *Memoria Histórica-Crítica del Derecho Público Chileno desde 1810 hasta Nuestros Días*, Santiago: Imprenta de Julio Berlín y Compañía 1849, p. 339

<sup>185</sup> Castillo, *op.cit.*, p. 58

and virtuosity of his fellow citizens. He identifies vice with ignorance (the crowd), 'malice' (the faction), and ambition (the *caudillo*). There is an internal enemy, which is the faction and the party spirit (*'el espítitu de partido'*). Irisarri is thinking specifically of one family, who he holds responsible for the internal chaos and the subsequent defeat of the Chilean republic at the hands of the Spanish armies: the Carrera family, and in particular José Miguel Carrera. Both Egaña and Irisarri identify José Miguel –the military caudillo— as the paradigm of this sort of internal danger. It becomes apparent that over time republican equality alone (equal rights before the law, equal access to public offices, etc.) cannot guarantee liberty. On the contrary: it seems necessarily to lead to corruption and new forms of slavery. The only way to prevent this from happening is virtue. Therefore, a plan of political education or *ilustración* must be directed towards the citizens in order to create civic habits and a sense of civic duty to defend the regime. Every man should know his rights. This seems to be the conclusion of Irisarri in light of the events he was observing at that time.<sup>186</sup>

Camilo Henríquez had also suffered a great disillusionment. Through a series of articles published in the *Monitor Araucano* in 1814 he reassesses his initial republican position. Here the anti-democratic shift is apparent and will determine his later thought on republicanism. In his *Observaciones sobre los principios anteriores de Mably*, he takes a clear distance from his earlier enthusiasm in the promotion of the republican ideals:

"It is difficult to combine the metaphysical and political principles, or to give everything that belongs to the people according to natural law and the nature of the society, without risking the health of the state. Metaphysics considers man in state of perfection, disregarding his imperfections; and society disregarding its ignorance and the ease with which it can be seduced. This is the reason why it is so dangerous in difficult situations to leave in its hands the appointment of the public men. And it is unfortunately apparent that in such situations they choose unintelligent men, without judgment or prudence, who audaciously take the helm of the state, for they do not know the surrounding risks, nor the uncertainties of the current state of affairs."<sup>187</sup>

The people are now declared incapable of ruling themselves. Later in the 1820s, Henríquez will further elaborate this early reflection, which leads him to advocate his solution of a representative government of a strong anti-democratic bent. A reevaluation of North-Atlantic theories takes place. Progressively, Rousseau and Montesquieu are left behind and the American founding fathers embraced. Federalist North American philosophy, in particular, exerts a notable influence in a group of Chilean intellectuals with its (anti-democratic) constitutional

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<sup>186</sup> *Colección de Historiadores y de Documentos Relativos a la Independencia de Chile*, tomo XXIV, Santiago: Imprenta Universitaria 1913, pp. 62-77 and 159-173

<sup>187</sup> *Colección de Historiadores y de Documentos Relativos a la Independencia de Chile*, tomo XXVII, Santiago: Taller de Imprenta, Dirección General de Talleres Fiscales 1930, p. 258

program. In particular, Madison's federalist solution begins by distinguishing two form of popular government, democratic and republican, arguing in favor of the latter for its capacity to prevent anarchy and the spirit of faction. He famously wrote in federalist paper No. 10:

"...it may be concluded that a pure democracy, by which I mean a society consisting of a small number of citizens, who assemble and administer the government in person, can admit of no cure for the mischiefs of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert result from the form of government itself; and therefore is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual. Hence it is that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths. Theoretic politicians, who have patronized this species of government, have erroneously supposed that by reducing mankind to a perfect equality in their political rights, they would, at the same time, be perfectly equalized and assimilated in their possessions, their opinions, and their passions. A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect, and promises the cure for which we are seeking."<sup>188</sup>

These ideas will be very influential in the period that now opens. From 1817-18 onwards, immediately following the recovery of freedom from Spanish domination, a segment of the Chilean intelligentsia, whose most eloquent exponents were Henríquez, Irisarri, and Juan Egaña, opened a new phase of political reflection, one that would resemble in tone and content the political program of the Federalists in North America. The object of the debate concerns the relationship between the republican government and democracy or, put it differently, on the necessary limits to freedom. The absolute ideal of freedom or 'pure democracy' proved to be dangerous to republican stability, thought retrospectively Irisarri. What freedom means is something that has to be qualified, its effects have to be controlled: something Irisarri called in 1818 'social liberty'.

"...we would define social liberty [as] the faculty of doing for our own benefit everything which does not offend the rights of others... when fulfilling our social duties, we do what they permit without trespassing the line of our attributions. Under this assumption, we could decide whether in Chile we enjoy this social liberty or whether we have [merely] replaced tyrants, after bringing down the old tyranny... [Social liberty] allows us to do anything except what would result in common harm, something that could only be freely done in the midst of a horrifying anarchy."<sup>189</sup>

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<sup>188</sup> Alexander Hamilton, James Madison & John Jay, *The Federalist*, Benjamin F. Wright (Ed.), New York: Barnes & Noble 2004, p. 133

<sup>189</sup> These reflections by Irisarri appeared in the newspaper *El Duende de Santiago* during 1818. In Guillermo Feliú Cruz, *El Argos de Chile, El Duende, El Sol de Chile, El Chileno. 1818*, Santiago: Biblioteca Nacional 1955, p. 86

Irisarri does not seem to be concerned with the preservation of external freedom (independence from Spain) as much as he is with an internal threat – the faction, associated with the figure of José Miguel Carrera and his brothers, as we have already seen. In his opinion, this internal problem has its roots in the confusion between liberty and license. In this way, and after reviewing the chaotic political experiences of various countries, in particular the French experience, he concludes:

“We must take lessons of prudence from the disasters of ruined nations which have misused liberty, and at the same time we cannot forget the evils we suffered in the past for having confused liberty with license... Let us learn from the disgraceful events of the other republics in order to avoid them through moderation, by giving government the necessary strength and activity without robbing its power, which results from unity, and without distracting it with popular childishness, which idleness makes up and in turn engenders malice.”<sup>190</sup>

Social liberty or ‘true’ freedom requires the cultivation of virtue. From now on, political virtue becomes progressively an antonym with of (excessive) freedom. Political virtue becomes increasingly associated with order and a strong executive power. It is worth noting that at this time Irisarri worked as minister in the autocratic government of Bernardo O’Higgins and that the recommendations of the former (“giving government the necessary strength and activity”) were a way of legitimating the authoritarian style of the latter. Vasco Castillo has further shown that the newspapers of the day, in particular *El Telégrafo* in 1819 and *El Censor de la Revolución* in 1820, continued elaborating this line of thought, only this time explicitly equating license and anarchy with democracy, offering at the same time a ‘Madisonian’ solution to the problem thus identified: representative government. In an ‘Essay on liberty’, *El Telégrafo* affirms:

“The only thing that can protect society from the menace of despotism and from the misfortunes of license is a wise legislation anchored in reason. Thus, true liberty is compatible with all governments without exclusively belonging to anyone; however, in order to restrain the absolute power of a single man in monarchy, and in order to prevent the people –apparently sovereign—from being a slave of the wicked demagogues who flatter it and switch on its passions in democracy, it is necessary for the Nation to have its freely chosen Representatives; with which the two stumbling blocks of despotism and license are avoided.”<sup>191</sup>

The most elaborate articulation of this new ideal of representative government is to be found in Camilo Henríquez’s later writings of 1822-23 that appeared in the newspaper *Mercurio de Chile*. Exiled in Buenos Aires, he reads the works of Constant and Destutt de Tracy, which

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<sup>190</sup> *Idem*, pp. 87-88

<sup>191</sup> Quoted in Castillo, *op. cit.*, p. 104

significantly influence his political position, in particular, Tracy's notion that 'despotism' is a word that does not apply exclusively to one man (the king), but also, and perhaps more dramatically, to the many, the crowd. In this sense, Tracy deems Montesquieu's classification of regimes (monarchy, despotism, and republic) defective and misleading: the real distinction, in his opinion, is that between free and despotic government.<sup>192</sup> This helps Henríquez to articulate his own critique and solution to the problem, as he sees it in Chile. The real menace is now, in his eyes, the democratic impulse of popular corporations and the challenge is, therefore, how to keep at bay the ever present threat of popular despotism within a republican scheme. Henríquez's solution would be, as was mentioned, the installation of a representative-constitutional government.

In a famous article entitled *What is the people in representative governments?* (*Mercurio de Chile*, No. 10), Henríquez sets the tone by speaking condescendingly about the Chilean people and its lack of discernment. Addressing the readers of the newspaper, he refers to his countrymen as "not accustomed to discern the almost imperceptible limits that separate liberty from license", after which he proceeds to redefine all the fundamental political concepts as he understands them now.<sup>193</sup> Let us review the new meaning he attaches to the old republican vocabulary. He defines 'the people' as *all* the citizens of a society; he now uses the word 'nation' and explicitly warns against the spirit of faction: "If a particular faction, if a city, if a corporation—for all its distinction— calls itself *the people*, besides telling an absurd lie, it commits a grave injustice, for it deprives the rest of the citizens, who make up the immense majority, from political franchise."<sup>194</sup> He then moves on to define 'sovereignty'. As mentioned above, sovereignty is for Henríquez that "power superior to all the other powers in society. Considered at its root, the term can only correspond to a power that precedes all others, a power which constitutes all others, which is to say the power that creates the social pact or constitution; and nobody doubts that this primitive and inalienable power, independent of all forms of government, resides in the community."<sup>195</sup> Now, once the representative government is established, the nation can only review and in time modify such a pact,

"...otherwise, we do not know under the representative system another instance in which the people should exert primordial or constituent sovereignty. And truly, once the powers are constituted that the nation deemed convenient for its government, [the people] cease to be sovereign and they become subject

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<sup>192</sup> Cf. Tracy's *Commentary and Review of Montesquieu's Spirit of Laws*, originally published in 1819. He was naturally speaking of the chaotic experience of the Terror in France when he wrote of pure democracy as a state of brute nature in opposition of representative democracy as a state of perfected nature.

<sup>193</sup> Feliú Cruz, *op. cit.* 1960, p. 307

<sup>194</sup> *Idem*, p. 307

<sup>195</sup> *Idem*, p. 308

of the authority thus established. This occurs even in the most unlimited democracies: for in them the people are slave to the law.”<sup>196</sup>

Hence, radical or primitive sovereignty belongs to the nation, but the exercise of sovereignty, or actual sovereignty, belongs only to the government authorities, as signaled by the constitution. This is the basic principle of a representative regime. If the nation is actively engaged in political activity “there would be two real powers in exercise, that of the total mass [of the people] and that of its representatives: in one word, there would be two governments, one democratic and the other one representative.”<sup>197</sup>

By thus reinterpreting the basic terms of republicanism, Henríquez performs a double move. Firstly, he affirms that the source of primitive sovereignty (constituent power) is not the people, let alone ‘*los pueblos*’, which configured the real political physiognomy of the country at that time, but the abstract notion of ‘the nation’, the aggregate of all the individuals who compose society; and secondly, *without questioning the process by which the state and its constitution should be (or have already been) established*, he claims that “the people is slave to the law”: the law is the actual sovereign not the people. One could further interpret the new position adopted by Henríquez as follows: the original emphasis of the revolution, beginning with the installation of the first *Junta de Gobierno* in 1810, and the subsequent events during the *Patria Vieja*, was mistaken and it had to be corrected: the local exercise of sovereignty on the part of the council(s) and the emphasis on local self-government in principle are false guides for good government. That first reading of republicanism in term of ‘absolute democracy’ consequently has to be discarded and a new interpretation must replace the original one. The notions of ‘the people’, ‘sovereignty’ and ‘republicanism’ must be newly defined. In the background we always find the same diagnosis: people are ignorant and lack virtue (“not accustomed to discern the almost imperceptible limits that separate liberty from license”)—otherwise Chile would not have fallen under the despotism of pure democracy. And all this is communicated to the reader almost as an *a priori* tautology: political ignorance equals democracy.<sup>198</sup> This is an essential part of Henríquez’s message.

Unmistakably, in the late thought of Henríquez republicanism and democracy do not coincide but rather tend to be concepts in tension with one another. If this antipathy towards popular self-rule was not stated already with sufficient clarity, in the next number (*Mercurio de Chile*, No. 11) he returns to the same arguments and concludes: “...the first need of a people is to be ruled.”<sup>199</sup> In this representative scheme, “the citizens leave in the hands of the authority the

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<sup>196</sup> *Idem*, p. 309

<sup>197</sup> *Idem*, p. 310

<sup>198</sup> Actually, few concrete examples are provided from Chilean (recent) history; and much is said with reference to the emblematic case of revolutionary France.

<sup>199</sup> Feliú Cruz, *op. cit.* 1960, p. 339

armed forces, the appointment of civil servants ['empleados'], the sanction of law, and what is most important, the faculty of opposing their desires and of moderating the naturally democratic vigor of popular corporations."<sup>200</sup> What power is then left to the people? Only three (individual) attributions: the electoral right (direct election), the right to petition, and freedom of thought.

In line with Destutt de Tracy, Benjamin Constant, and the American Federalists, the representative system is in the eyes of Camilo Henríquez a notable improvement over the model of a 'pure democracy' in which the 'popular assembly' rules. The body of representatives is the only healthy modern assembly of individuals, especially suited for the rather extensive Chilean territory.

In March 1823, a couple of months after the abdication of Bernardo O'Higgins as Supreme Director of Chile, and during the rise of that first wave of social movement as a reaction to what was considered as the abuses of the centralism of Santiago against the regions, Henríquez continued elaborating his philosophy in the pages of *El Mercurio de Chile*, only now with a new target in mind: the leaders of the federalist movement. "The clash between provincialism and capitalism has been established and this is the same thing as being tyrannized by kings or by the cities ['pueblos']."<sup>201</sup> But he is not sympathetic towards what he sees as the Chilean (or more generally: Hispano-American) version of federalism ("...the vulgar and very absurd expression that calls federalism to division") and recommends rather to look up –again— to the example of the United States of America, "light of our fatherland".<sup>202</sup> National representation must be protected both against popular assemblies and also from the interests of 'aristocratic groups'. Instead of seeing the federalist movement as a legitimate popular protest against the autocratic government of O'Higgins and the excessive political attributions and economic hegemony of the capital of Santiago, he dismisses it as an aristocratic group of people, who cursing the recently ended dictatorship "erect a new one in its place, to be eternally wretched."<sup>203</sup> Egaña would second Henríquez in this fear, as we will see below.

Juan Egaña –the main author of the 1823 Constitution, the so called 'moralist constitution'— had developed his basic political views much earlier. We already presented his idea of law and civic education as the fundamental tools in the formation of a national morality or ethos. Now in 1823 he will further elaborate these earlier convictions and present a new political model which, following a similar diagnosis and analysis to that made by Henríquez in *El Mercurio*<sup>204</sup>, emphasizes an aristocratic element that would contribute to increase the ideological

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<sup>200</sup> *Idem*, p. 340

<sup>201</sup> *Idem*, p. 459

<sup>202</sup> *Idem*, p. 461

<sup>203</sup> *Idem*, p. 462

<sup>204</sup> Despite these conceptual similarities, Henríquez, among other intellectuals and politicians, refused to sign the 1823 Constitution.

distance *vis-a-vis* the democratic aspirations of the liberals and federalist of the day.<sup>205</sup> A civic aristocracy, the *ottimati*, was thought of as the main device against popular despotism.<sup>206</sup> How was this body of representatives to be selected? –By their civic merit or virtue. We come back again to the utilization of the idea of virtue (or its absence) as the principal justification for elite rule (or against popular rule).

In Egaña's opinion, democracy is linked with the allegedly anarchic experience of frequent popular assemblies, with a permanent revisionism of public decisions –in a word, with excessive liberty. The constitution must limit these anarchic excesses or vices: it must reduce to a minimum direct popular participation without cancelling it out completely. This Constitution establishes, consequently, two main powers: an Executive (led by a '*Director Supremo*') and a Legislative power ('*Senado Conservador y Legislador*' composed of nine members, who can be indefinitely reelected), both in charge of the promulgation of laws. The first has the role of proposing and presenting laws and the second the function of sanctioning them. So where in this scheme is that minimum popular participation visible? In the establishment for this purpose of a National Chamber ('*Cámara Nacional*' composed of, between fifty and two hundred '*consultores*'). It is nothing more than a 'momentary assembly', which holds meetings only when the Senate and the Executive do not reach agreement on a particular bill. After spelling this out, various mechanisms are conceived and detailed in order to prevent this body from appropriating for itself more faculties than necessary. In reality, the National Chamber was an institution especially designed for eliminating the existence of a *permanent and autonomous* popular assembly, where the people are supposedly more prone to being seduced by a demagogue. In Egaña's design, the people can never summon itself by own initiative, but only when the two aforementioned powers of the state required it.<sup>207</sup>

The Senate is the conceptual opposite of the Chamber. It is permanent, autonomous, and nobody can suspect (at least Egaña doesn't) its moral integrity and political wisdom. Due to its powers and mission, it is the central institution of the 1823 Constitution. The mission and principal task of this permanent republican body is to "safeguard the customs and the national morality, taking care of education and of the civic and moral virtues..." (Article 38). As Castillo points out, for Egaña here virtue means the political (republican) quality of giving preference to

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<sup>205</sup> "Juan Egaña, was one of the two of three best-read creole intellectuals of the time. He had probably read (and written) far too much. His moralistic conservatism (based on an extreme admiration for ancient Greece and Rome, the Incas, and imperial China) struck a somewhat discordant note at a time of mounting liberalism." Simon Collier & William F. Sater, *A History of Chile: 1808-1994*, Cambridge: Cambridge University Press 1996, p. 48

<sup>206</sup> A conception analogous to the Venetian republican model praised by Guicciardini and Giannotti. Cf. J. G. A. Pocock, *op. cit.* 2003, p. 114ff

<sup>207</sup> "Constitución Política del Estado de Chile promulgada en 29 de diciembre de 1823", in Letelier, *op. cit.*, vol. VIII, pp. 644-661



public over private good, the criterion against which the merit of a citizen is measured.<sup>208</sup> The ideal is the selection of ‘the best’, independently of their place of birth or wealth. But the entity that evaluates and selects these citizens is no other than the Senate: their members propose names for the lists of candidates to the National Chamber or for higher positions. The government is therefore, conceived as a civic aristocracy, a small virtuous elite, exactly the opposite of what would occur in democratic governments where uneducated, unqualified individuals take an important part in political decisions, or so went the argument. If the Supreme Director incarnates physical force, the Senate embodies a moral force, which is ultimately responsible for the progressive formation of a ‘virtuous people’. Because of this physical quality –Egaña thinks— the Executive is a potential threat to liberty, for unlike the Senate, it can become corrupted and despotic. Again we see the Senate occupying a central place in this legal framework.<sup>209</sup>

Thus Egaña’s constitutional solution of 1823 addresses two potential problems that might threaten political stability and order: the popular element and the power of the Executive. The constitution has to moderate the people and its excesses, but it also has to watch over the Supreme Director, who could drift into despotism. José Miguel Carreras and the recently deposed Bernardo O’Higgins live on in Egaña’s mind as symbols of a corrupted Executive power.

At this point in our narrative, two political imaginaries emerge to the surface of political events of the day and clash in the most visible manner. For the year 1823 also marks the beginning of the federalist movement, which is the result or expression of a revolutionary process led by the *pueblos* of the Chilean republic, eclipsed for over a decade by military *caudillismo*, autocratic rule and centralism. The elected Congress of the same year sets itself the task of elaborating the new Political Constitution of the state but at the same it allowed great freedom and autonomy to the Commission presided over by Juan Egaña, in charge of drafting the constitutional text. In this precise historical moment, the contours of two opposing and clearly distinguishable political views and imaginaries emerged, which even defined themselves *in opposition* to each other: the conservatism of Egaña, on the one hand, and the democratic liberalism of the *pueblos*, on the other. According to Gabriel Salazar,

“...the political philosophy of Juan Egaña (president of the Assembly and of the Constituent Commission) detached itself from the line of historical action which the ‘pueblos’ had followed until then. For, in reality, [the 1823 Constitution] opted for a centralist political system, enlightened and aristocratic, which coincided with the postulates defended by the (oligarchic) pueblo of Santiago (which looked down on the

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<sup>208</sup> Castillo, *op. cit.*, p. 141

<sup>209</sup> In one of the congressional sessions of November 1823, Egana addressed the problem of the division of powers denoting his intellectual influences: “The profound Lloyd said: ‘It will always happen that the Executive Power destroys the Legislative, since there is a fight between them; and having the former the strength and the resources it will always win, as we see it in the history of all the republics’. Rousseau and Raynal deem inconceivable the internal peace in the division of both powers.” Letelier, *op. cit.*, vol. VIII, p. 461

provincials' lack of enlightenment). And this even implied endorsing the same concept of sovereignty, which had been sustained by the Caesarist governments before 1823 (O'Higgins rejected popular sovereignty alleging 'ignorance' by the people). This would cause... a confusing *internal contradiction*, both in the revolutionary as well as in the constituent process."<sup>210</sup>

We could further specify this tension in the following way. Juan Egaña's aristocratic philosophy suffered not only from a lack of political legitimacy, manifested in the social discontent of those years, the rise of organized social movements and the growth of a liberal-federalist political front. It also suffered –as a political doctrine— from a lack of internal or logical consistency. Vasco Castillo has identified this internal tension as follows:

"...the principle of liberty, as [the philosophy of] republicanism has understood it –as non-domination—, is to be guaranteed through the defense of liberty by the relevant actors [*'los propios interesados'*]. According to its advocates, the strength of the republic compared to other regimes lies precisely in the fact that the permanence and subsistence of the regime rest upon the will of the citizens who maintain it and wish to continue to do so. Each person's liberty is what is at stake and not someone else's... For this reason, the principle of self-rule becomes central in order to guarantee freedom from domination... The tension in the aristocratic civil model lies in the impossibility of really meeting the republican ideal of self-rule."<sup>211</sup>

The federalist movement of the 1820s –reacting amongst other things against the ambiguity of Egaña's design— raised the republican ideal of democratic self-rule in the context of a characteristically 'Chilean' republican solution, fusing elements of North-Atlantic ideologies with the local imaginary of the *pueblos*. In a way, Chilean federalism was a democratic 'interpretation' of republicanism, an alternative solution to the aristocratic model proposed by Egaña, but in another important sense it was the fruit of a *re*-interpretation of older institutions and practices prevalent in the pre-modern *Derecho de los Pueblos*. In this new or re-interpretation, citizen participation plays a central role as a means of impeding the emergence of a despotic power, which in this case is attributed to the ruling aristocracy of Santiago. Centralism and citizen participation seem to be inversely related. A central and unitary state was perceived by the liberal-federalists as a way to maintain an absolutist principle in modern politics, reminiscent of colonialism under the Bourbon monarchy. Through newspaper articles, political manifests of provincial cities, and (national) constitutional projects the spokespersons of this movements – Cienfuegos, Vicuña, Campino, Benavides, Infante, amongst others— gave articulation and impulse to the first democratic movement of Chile's independent history. It is possible to detect here the first traces of what we have called a 'politics of sovereignty' which will constitute the *other* political imaginary shaping Chile's political culture over the last two centuries, together

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<sup>210</sup> Salazar, *op. cit.* 2005, p. 213

<sup>211</sup> Castillo, *op. cit.*, pp. 151-152.

with the 'official' or dominant imaginary, supportive of a 'politics of representation'. In the next chapter I will analyze in depth this alternative popular-democratic imaginary.

It should come as no surprise that Egaña himself was one of the first intellectuals to publicly attack these democratic efforts to transform the face of the state and its basic institutions. In 1825, on the pages of the newspaper *La Abeja Chilena*, he strikes back against democracy in an even more resolute tone, energetically rejecting direct popular legislatures, while defending at the same time the advantages of his aristocratic model (and his abolished political constitution). One has to concede that Egaña now possesses some evidence from home for condemning democracy. Before it was 'the book of History' what he consulted. Now, while retaining the lessons of History, he addresses the concrete project of a federative republic in Chile.<sup>212</sup>

In his view, the federalists held the false belief that "the people had once been an absolute and omnipotent sovereign, to whose discussion and spontaneous deliberation the fate of states has been linked... that there was in the Republics what today is understood as republican equality: that is, that every man, free and born in the country, has equal voice and right to deliberate over the fate of the state." And then he concludes: "Such errors, false in theory and disastrous in practice, caused immense evils in the French Revolution and not few in the Hispano-American states."<sup>213</sup> His interpretation of ancient and medieval history<sup>214</sup> shows that in healthy republics "popular and territorial representatives did not meet and deliberate by themselves. They have always proceeded in accordance to and in the company of some permanent body" which, in his opinion, is the case of the United States of North America with its more permanent Senate composed of prominent citizens, "imitating as much as possible the permanent or patrician Chamber of the Lords of England." Again, in the spirit of *The Federalist* but more extreme than the American founding fathers, he criticizes untrammelled popular participation, in particular the establishment of "a transitory and momentary Congress, elected among the crowd".<sup>215</sup> As noted above, when analyzing the 1823 Political Constitution, Egaña thinks of the Senate as the moderating element against tyranny ('the military power of the Executive'—before linked to Carrera and O'Higgins) and popular despotism ('the violence of the passions'—now linked to the democratic enterprise of the Chilean federalists during the 1820s).

The great clash of political imaginaries and their corresponding family of theories is at this point, say the mid-1820s, easy to identify. On the one hand, despite some differences in emphasis, together the diagnoses made and the solutions offered by Irisarri (with his notion of

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<sup>212</sup> Privately, he exposed his naked opinions on these matters in the correspondence with his son Mariano, who lived in London at that time.

<sup>213</sup> Guillermo Feliú Cruz, *Colección de Antiguos Periódicos Chilenos*, vol. XVIII, Santiago: Nascimento 1966, p. 70

<sup>214</sup> Vasco Castillo argues that Egaña follows the aristocratic interpretation of republican history as found in Livy or in the Florentine civic humanism of the *Quattrocento*.

<sup>215</sup> *Idem*, pp. 72-73

social liberty associated with order and strong executive power) and Henríquez (the representative-constitutional solution) contributed to the formation of an aristocratic interpretation of the republic, in which the state has the fundamental mission to halt or channel the excesses of democracy. The will of the people has to be 'filtered', so to speak. Egaña thought that this demand required a government of the *ottimati*, a permanent conservative Senate composed of a handful of virtuous citizens. Tracy, Constant, Madison were seen to have had a potent influence on these authors, as well as the examples of North America and England. On the other hand, the Chilean federalists provide an interpretation of republicanism in terms of the modern political ideal of self-rule, where the terms 'republic' and 'democracy' coincide, in a position that is similar to the 'antifederalists' of the United States of America.

This is the immediate context for the creation of the Portalian state and its main theoretician: Mariano Egaña. His work has to be understood as the continuation and intensification of this general aristocratic and centralist tendency within the creole intelligentsia.

If Juan Egaña stood for a popular government filtered or moderated by the Senate –the moral force in his Republic— and preserved the faith in the gradual formation of a national morality, his son Mariano would definitely adopt an anti-popular stance. He represents the anti-democratic position *par excellence* during the founding period of the republic. As one of the seven members of the '*Convención Modificatoria*' ('Amending Convention') of the 1828 Constitution he later became the main author of the long-lived 1833 Constitution. Ideologically, Mariano Egaña represents the final chain in the development of a republican theory of virtue utilized for favoring representative politics controlled by a conservative elite, which in practice was a bulwark against popular participation. This conservative state doctrine became dominated in his case by the figure of an all-powerful executive power—the President. In fact, Mariano Egaña's contribution to this aristocratic or anti-democratic tradition of republican thought lies precisely in his 'presidential solution', which in rigor meant distancing himself from his father's aristocratic model and embracing ruthless autocracy.

Mariano Egaña's diagnosis of the federalist experience in Chile is implacable: the people cannot rule themselves; they must be ruled. In his view, democracy or popular self-rule is the synonym of *absence* of government. To rule is to steer, to put the break on people's will and, in order to make this possible, government has to enjoy great power. His father, Juan Egaña, fearing the possibility of an executive power becoming despotic had limited its faculties. But this is precisely the error, according to his son. It is democracy that is to be feared and the best remedy against it is strong executive authority.

"This democracy, my father, is the greatest enemy of the Americas, which for many years to come will cause frequent disasters, until it will bring it into complete ruin. Federations, *puebladas*, sedition, anxiety continue, and none of these encourage commerce, industry or the diffusion of useful knowledge: anyway,

the many crimes and nonsense taking place from Texas to Chiloé, are all the result of this democratic fury, the worst scourge of nations lacking experience and clear political notions..."<sup>216</sup>

The core of Mariano Egaña's ideas which will greatly influence the outcome of the 1833 Constitution are already present in a famous letter that he wrote to his father in July 1827, from which the previous quote also comes. The tone of the letter is of criticism. Nothing should weaken executive power, Mariano Egaña believes; his father was simply wrong on this point. The target of his criticisms is therefore the 1823 Constitution.<sup>217</sup> That constitution had created a Council of State (Articles 28-34), whose members were functionaries elected by the nation (including ex-Directors), and whose main functions consisted in the proposal of laws and government budgets, which passed afterwards to the Senate for its approval. But Mariano Egaña regrets his father limiting the President in the appointment of the Council's members. Following the English model, he proposes a Council of State rather as an advisory body surrounding a head of state and under his complete influence:

"Precisely this is what the Constitution must intend: that the President, well advised by individuals of his preference but under his influence... propose or reject laws... there should be nothing but members whom the President could freely change, and not members who –by the wish of contrasting the current government with the one they had administered...— oppose hindrances or secret intrigues in order to disturb or prevent a decision."<sup>218</sup>

The will of the Council must coincide, therefore, with that of the President, an arrangement which clearly resembles the figure of the English monarch and his Privy Council. (It is worth noting that during the previous years, as minister plenipotentiary representing Chile in London, Mariano Egaña had had the chance to closely observe the English system.) The concern showed by the federalists (even Juan Egaña) regarding the problem of presidential power, let alone its identification with royal power, is here positively welcomed. But even this weakened Council falls under suspicion in the eyes of Mariano: after all it is a body which could eventually have a discordant voice. But he wants to see an all-powerful President. He writes to his father: "The faculty of proposing by himself and without an audience with his Council of State... should be left to the President and I wish we could make his proposals carry ten times more weight than those of the others."<sup>219</sup>

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<sup>216</sup> Mariano Egaña, *Cartas de don Mariano Egaña a su Padre: 1824-1829*, Santiago: Sociedad de Bibliófilos Chilenos 1948, p. 263

<sup>217</sup> More precisely, the target is a document produced by Juan Egaña responding to a request made by Campino in 1826, which condensed the content of the 1823 Constitution.

<sup>218</sup> Mariano Egaña, *op. cit.*, p. 265

<sup>219</sup> *Ibidem*

In direct opposition to the Chilean federalists who sought to preserve direct and popular election of local authorities, Mariano Egaña further asserts that “the President must not consult with anyone about the appointment of his representatives, the Intendants and Governors.”<sup>220</sup> Nothing should hinder presidential action, ‘otherwise we will have the republic of Infante’, in direct allusion to the federalist leader. The Provincial Assemblies should not be permanent but meet occasionally twice a year, presided over by the Intendant. The President, in addition, should have the faculty to break up these assemblies at his discretion. “[The President] dissolves them by decree –be they in session or not— declaring them dissolved and ordering the election of new board members [*vocales*] for them to meet under the terms signaled by the law.”<sup>221</sup> Provincial Assemblies should neither have the right to propose governors nor parish priests, nor the capacity of suspending functionaries, as Juan Egaña had once conceded. This is a mistaken concession towards the people, who are always given to vicious behaviors. All the responsibility and power lie in the President, a position that surely presupposes a wise, clairvoyant and moral leader. A virtuous man. What’s needed is a figure with the exactly the opposite attributes of the Assembly, where vice and corruption rule, where biased opinions and the spirit of faction inevitable end up contaminating their decisions.

Between the year 1831 and 1833 Mariano Egaña takes active part in the so called ‘Great Convention’, whose initial mission was to reform the 1828 (‘liberal’) Constitution. Violating this original intention the Convention finally promoted the elaboration of a new constitution. Mariano Egaña is arguably the most important defender of a radical constitutional change in line with his centralist, authoritarian ideology. The result of this process, as we know, is the 1833 (‘Portalian’) Political Constitution, the legal symbol of that anti-democratic imaginary that would dominate Chilean political life during the nineteenth and early twentieth centuries.

The Constitution of Mariano Egaña and the pragmatic Diego Portales signifies a notable break with the same ideological tradition it claims to come from: the republican philosophy of patriots like Henríquez, Irisarri and Juan Egaña. It represents a flagrant violation of the republican principle of self-rule as a condition for a free or non-despotic regime.<sup>222</sup> In this new framework, the Provincial Assemblies –organs of the federalist-oriented *pueblos*—were suppressed and replaced by the new institution of the Municipality, which has to be clearly distinguished from the *Cabildo*, the traditional site of popular sovereignty in Chile since colonial

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<sup>220</sup> *Idem*, p. 266

<sup>221</sup> *Idem*, p. 267

<sup>222</sup> On this point and from his own interpretation of the republican tradition, Castillo makes the following observation: “The executive colossus acquires now a royal dimension, which from a republican perspective as that of Juan Egaña, is incompatible with the maintenance of a life that excludes domination... It also reminds us of the central importance to republicanism of the principle of self-rule. The concentration in this executive colossus of the power for designating local political authorities and dissolving Chambers at its will, weakens the possibilities of practicing self-government. In this way it reduces the possibility of becoming a free man.” Castillo, *op. cit.*, pp. 205-206

times. Municipality, on the other hand, alludes to a mere administrative body. This intentional destruction of the *cabildo* with its old powers signified the fatal blow for the *pueblos* and the popular-democratic imaginary they embodied.<sup>223</sup> The North-Atlantic liberal-individualist imaginary, which is behind the 1830 conservative, anti-democratic reaction of Portales and his allies, would dominate Chilean political life from then on.

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In the late Henríquez one can detect the germs of that ‘politics of representation’ that will prevail over the (official) political life of Chile until the present day, based on an exercise-concept of sovereignty and on individual liberties, such as voting, freedom of thought, etc. This political orientation was elaborated, as we saw, under the powerful influence of Anglo-Saxon liberalism as embodied in the American and English representative democracies and in opposition to the ‘communitarian’ and participatory understanding of democracy stemming from the traditional *pueblos* and its practices, a tradition maintained and reinterpreted later on by the Chilean federalists. Not collective deliberation at an assembly but individual voting and right to petition was all the power that Henríquez left to the citizens. In this framework the main political unit was the nation, not the organic political community of the different provinces and *pueblos* (Concepción, Coquimbo, Santiago, etc.) around which the country was actually organized, and which the federalists wanted to preserve in their decentralized scheme of government. In short, restrictive representation –under the framework of a political constitution— avoiding local self-rule was the path opened by Henríquez, and further elaborated by Juan Egaña and finally by his son Mariano, with fateful consequences for the subsequent two hundred years of republican history. There is, furthermore, a line of thought that emphasizes strong Executive government that goes from the Irisarri of *El Duende de Santiago* and culminates in Mariano Egaña’s authoritarian presidentialism.<sup>224</sup> In the real political arena, this neo-Monarchic ideal of a vigorous government was embodied in the figures of O’Higgins and Portales.

“The basic element in O’Higgins’ attempt to reform Chile was, however, a strong executive power. Feliú Cruz is right, in this sense, to regard O’Higgins as the real precursor of Diego Portales, who also believed in a ‘strong and creative government’, and a more direct link between the two regimes may be seen in

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<sup>223</sup> On this process see: Gabriel Salazar & Jorge Benítez, *Autonomía, Espacio, Gestión. El Municipio Cercenado*, Santiago: LOM 1998

<sup>224</sup> The late Camilo Henríquez also showed his preference for a presidential solution after the North American model. See his comments in this respect in *Mercurio de Chile*, Nrs. 20 and 21 of February 1823.

O'Higgins' own admission in 1831 that he had once secretly designated Joaquín Prieto, Portales submissive President, as his political heir."<sup>225</sup>

We have tried to reconstruct this complex web of theories in order to show that the 1833 'conservative' Political Constitution, whose main author is Mariano Egaña, is to be seen as the point at which all these separate intellectual developments converge. Regarding this important Constitution, which would decisively shape the political life of the country for about a century, the historians Collier and Sater characterized its main features –presidential authoritarianism and centralism— as follows:

"The constitution was strongly presidentialist. The president (elected indirectly, in the American manner) was allowed two consecutive five-year terms – this in practice led to the four 'decennial' administrations of 1831-71. Presidential powers over the cabinet, judiciary, public administration and armed forces were very extensive... The executive also held considerable emergency powers: Congress could vote 'extraordinary faculties', effectively suspending the constitution and civil liberties, and if Congress was in recess (most of the year, in practice) the president could decree states of siege in specific provinces, subject to later congressional approval – never denied... Formally speaking, executive control over the legislative branch was substantial but far from absolute... But until the 1860s and 1870s, leaving aside a handful of memorably agitated sessions, congressional life was rather low key and often dull... The 1833 Constitution was markedly centralist. Gone were the federalist-inspired provincial assemblies of 1828. The provincial Intendant, appointed by the president, was now defined as his 'natural and immediate agent' (a phrase retained in the 1925 and the 1980 Constitutions). The provincial intendancies were in many ways the nexus of local administration. The Intendants and their subalterns *subdelegados* and *gobernadores* (the colonial terms remained in use) were given absolute veto powers over the elected municipal councils. The hegemony of Santiago was thus reinforced, at the expense of local initiative."<sup>226</sup>

The 'Portalian' order that emerges around 1830 in Chile, after the Battle of Lircay, was not *only* the result of a civil war or a *mere* imposition by arms. Portales' ideologues managed to develop a carefully argued anti-democratic doctrine by recurring to a republican, North-Atlantic (that is, foreign) theory of virtue, giving thus the newly institutionalized government a considerable degree of legitimacy in the public eye. The mighty example of the United States of America and its 1787 Constitution was a powerful influence for this group of anti-democratic ideologues. In his classic *Ensayo Histórico sobre la Noción de Estado en Chile*, Mario Góngora wrote on this point that:

"this specific 'Portalian' conception consists in the idea that Chile really does not possess that 'republican virtue' which, since Montesquieu and the French Revolution, was affirmed to be indispensable for a

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<sup>225</sup> Collier, *op. cit.* 1967, p. 258

<sup>226</sup> Collier & Sater, *op. cit.*, pp. 55-56



democratic system, and so Democracy must be postponed. Meanwhile, the country must be ruled in an authoritarian fashion but with zeal for the public good by men able to understand and realize it.”<sup>227</sup>

This Portalian conception of the state will undergo many changes through the nineteenth and twentieth centuries but it will continue to be a powerful *idée-force* to which economic, political and military powers will resort in order to legitimate a two centuries old ‘politics of representation’. The so-called ‘Democratic Republic’ inaugurated by Alessandri and Ibáñez in the 1920s, the Pinochet dictatorship as well as the *Concertación* governments (1990-2010), in diverse ways, have re-enacted this old doctrine. Today talk is not about ‘virtue’ or ‘republican stability’ but instead on ‘governance’ (*gobernabilidad*).<sup>228</sup> These historical connections will be traced in part IV.

## 12.2. Popular-democratic republicanism

“My plan has no other goal than the happiness of each individual; let that despotism, which for so many years has gravitated around this country, come to an end; and I’m not thinking in times of Spanish rule but after the revolution started and in the innumerable sacrifices of the people for their freedom.”

Joaquín Campino (1826)

What we want to do now is to re-trace the historical developments by which a pre-modern (colonial) social imaginary was transformed into a modern one, and what sort of republicanism was the outcome of this particular ‘Chilean trajectory’ to political modernity. As will be shown, the resulting popular-democratic republicanism was based on the political imaginary of the *pueblos*, which in 1823 rise all over the country in order to defend their old rights and political ideals. Led by the liberals Freire and Pinto, this popular movement organized and fought for over five years for the establishment of a type of republic in which the new *liberal principles* of its 1828 Political Constitution reinstated the old *Laws of the Peoples*. I will start first by providing a brief summary of the political situation during the *Patria Nueva* or ‘New Fatherland’, the period between the victory of *Ejército de los Andes* and the Battle of Chacabuco in February 1817, which consolidated Chile’s independence from Spain, to the resignation of Bernardo O’Higgins in 1823.

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<sup>227</sup> Mario Góngora, *Ensayo Histórico sobre la Noción de Estado en Chile en los siglos XIX y XX*, Santiago: Editorial Universitaria 1986, p. 75

<sup>228</sup> See, for example, Edgardo Boeninger, *Democracia en Chile. Lecciones para la Gobernabilidad*, Santiago: Editorial Andrés Bello 1997

### ***Liberalism and military centralism under O'Higgins***

As we have already seen, the *Patria Vieja* (Old Fatherland) began with a symbolic re-enactment of a pre-modern legitimacy principle through the 1810 *Junta de Gobierno* and the subsequent steps taken by the creole to create the nation state. In relation to this important political transition, I have attempted to trace the active presence of a pre-modern *social imaginary*, in order to differentiate it from a mere ideology or political doctrine. In law codes and philosophic treatises but also in centuries-old institutions and political practices and habits, the old imaginary which shielded the political autonomy of the 'small republics' or Hispano-American *pueblos*, guided the actions of the Chilean revolutionaries in their emancipation process. At that time, these institutions and procedures were univocally understood by Chileans as constituting valid political decisions. From the council or *cabildo* Chileans began appointing juntas, congresses, supreme directors, senates. However, the rise of military *caudillismos* and oligarchic attempts at centralizing political power around Santiago, ended up weakening this democratic line of action of the *pueblos*. José Miguel Carrera was no doubt a liberal, anti-Spaniard revolutionary but his actions denoted a clear discrediting of democracy and its institutions, the Congress and the Council. In 1813 the so-called *Junta de Corporaciones*, an open assembly in which all the corporate elites (the high functionaries of all institutional orders), met to neutralize the rising militarism that had disturbed the republican process initiated in 1810. Despite these efforts, the military defeat of Rancagua in October 1814 against Spanish Royal forces brought to an abrupt end the period known as the *Patria Vieja*. The possibility of resuming the interrupted independentist-republican development returned again to the hands of the military.

Thanks to the consolidation of independence and the armed victories at Chacabuco (1817) and Maipú (1818), the *military class* conquered the top political positions of society. Chilean popular sovereignty was automatically delegated, so to speak, to the victorious General José de San Martín. One could expect that under such circumstances, democracy would automatically derive into autocracy. San Martín, however, did not accept the position of Supreme Director<sup>229</sup> which was taken up instead by his lieutenant Bernardo O'Higgins. Nobody thought of giving the highest office to a civil servant. War and victory were too fresh in the memory of the aristocracy of Santiago and only a highly raked soldier was thought worthy and capable of leading the destinies of the country at that particular historical juncture.

Although ultimately O'Higgins' thought is republican, his time in power was characterized by a Caesaristic mode of ruling. Combined with democratic gestures or

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<sup>229</sup> The function of the Supreme Director was designed by the 1813 *Cabildo Abierto* and radicalized by that of February 1817.

concessions here and there, his governing style was plainly autocratic.<sup>230</sup> *El Telégrafo* and other newspapers of the day publicly declared the need for a strong executive power and O'Higgins saw this as his personal duty. According to Gabriel Salazar, "...With the O'Higgins dictatorship both the type of militarism launched in Chile by the Carrera brothers and the rivalry between oligarchic families was prolonged. Both these elements contributed to halt and marginalize for over ten years the natural development of the democratic peoples' tradition ['los pueblos']".<sup>231</sup>

Besides his autocratic and militaristic 'style', O'Higgins and the authoritarian regime he led were instrumental in the introduction of a European liberalism in Chile, which from then on was going to provide the philosophical foundations of the long-lived Chilean constitutionalist tradition: an individualistic and abstract political philosophy, sharply contrasting with the typically 'communitarian' or holistic notions of the preexisting political imaginary of the *pueblos*. In the *Proyecto de Constitución Provisoria para el Estado de Chile* of 1818 –signed by O'Higgins and Irisarri— this is already apparent in the first chapter, ('*De los derechos del hombre en sociedad*', in seventeen articles) which understands the rights of man in society as *individual* rights, not as the rights of 'los pueblos' – in the sense of Chile's immemorial Law. Chapter two – 'on duties'—opens thus: "Every man in society, in order to secure his rights and fortune, owes complete submission to the Constitution of the State, its statutes and laws...". Finally, chapter III ('*De la potestad legislativa*') establishes that: "Belonging to the Chilean Nation gathered in society, after a natural and fixed law, sovereignty (or the faculty for installing its Government and dictate the laws which will rule it) shall be exercised through its Deputies gathered in Congress..."<sup>232</sup> The contrast is evident. Firstly, the citizens of this new Republic –who are now conceived as individuals detached from their communities— are the bearers of individual rights and duties; secondly, sovereignty is said to lie in 'the Chilean Nation gathered in society', an abstract unit in contrast to the real plurality of the traditional communities or *pueblos*. Furthermore, the Supreme Director –that is, O'Higgins— would possess all the faculties and attributions of a central, all powerful executive government, not only the capacity of dictating laws and designating the members of the Senate (a body which should dictate provisional regulations for urgent and necessary matters in case the aforementioned Congress is not constituted on time), but also in charge of the armed forces under the title of *Capitán General del Ejército*. The combination of this autocratic-centralist element with a European individualist

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<sup>230</sup> Although it is widely acknowledge the dictatorial character of his regime, the general (traditional) historical judgment towards the figure of O'Higgins has been mainly favorable, emphasizing his heroic deeds and republican attributes. Collier and Sater, for instance, highlight these positive qualities: "'If ever there was a Good Patriot and an Honest Man it is O'Higgins', wrote an unlettered but eloquent Englishman serving in the new Chilean navy. Others saw him as rather lacking in guile. Remembering the patriot squabbles of 1810-1814, he was convinced that Chile needed a period of firm rule – authoritarian, but not arbitrary... In this sense, O'Higgins was a reluctant dictator." Collier & Sater, *op. cit.*, p. 46

<sup>231</sup> Salazar, *op. cit.* 2005, p.155

<sup>232</sup> Letelier, *op. cit.*, vol. II, pp. 7-9

liberalism was the signature of the constitutional project of 1818 and the opening of a new phase in the political life of the country.

The O'Higgins dictatorship, with its particular mix of 'liberal republicanism' coupled with the autocratic stamp of the Supreme Director, openly defied the popular-communitarian republicanism anchored in the *cabildo* and its various attempts at nation-building 'from bellow' since 1810. Now the 1818 constitutional text wrested sovereign power from the people placing it in the hand of the Director and his Senate. Besides the possibility of ratifying the new constitution through a sort of plebiscite, the people were expected to demonstrate their "complete submission to the Constitution of the State, its statutes and laws". This 'legally imposed' military republicanism left the people in a passive, submissive position and clearly was going to irritate the civic democratic tradition of the *pueblos*, one that understood citizen action as a sovereign enterprise.

By weakening or directly destroying the democratic institutions of the political system (Cabildo, Tribunal del Consulado, Tribunal de Minería, etc.), O'Higgins gained enemies both from the (republican) creole aristocracy and popular classes alike. By attempting to abolish among other dictatorial measures nobility titles and the institution of *Mayorazgo* (Majorat), he also managed to make enemies among Chilean aristocratic conservatives or royalists.<sup>233</sup> As if this were not enough, the Director had fallen into the anti-democratic practice of personally appointing majors, intendants and governors, openly violating the 1818 Constitution. In this sense, Salazar wrote,

"...at the pinnacle of his caesarism, O'Higgins and his advisers (above all his minister José Antonio Rodríguez Aldea) had convinced themselves that the peoples [pueblos] were essentially 'ignorant' and therefore it was not possible to grant them any form of participative sovereignty without generating, at the same time, disorder and anarchy; two situations that would directly infringe the sacrosanct military concept of *discipline*, which in this case was extrapolated to politics. Their deduction was that republican politics had to be centered on strong supreme directors and small, functional and designated assemblies."<sup>234</sup>

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<sup>233</sup> The *Mayorazgo* was an institutional arrangement known in Europe and Hispanic America which gave the right of succession to a specific parcel of property associated with a title of nobility to a single heir, based on male primogeniture. A *mayorazgo* would be inherited by the oldest son, or if there was no son, the nearest relative.

<sup>234</sup> Salazar, *op. cit.* 2005, p. 162. Compare this opinion with that of the nineteenth-century Chilean scholar and President of the Republic Domingo Santa María: "The military O'Higgins, used to the life of the quarters, appreciated obedience above all, as it's natural; and he believed that a people should obey their leaders for the same reason that a soldier surrenders to his warlords." Domingo Santa María, *Memoria Histórica sobre los Sucesos Ocurridos desde la Caída de d. Bernardo O'Higgins en 1823 hasta la Promulgación de la Constitución Dictada en ese Mismo Año*, Santiago: Imprenta del País 1858, p. 4

It is worth noting the similarities between the pragmatic convictions of O'Higgins and Rodríguez Aldea on the one hand, and the elaborate theoretical speculations of their contemporaries Juan Egaña, Irisarri and Henríquez, examined above. In both cases we encounter a somber diagnosis of the Chilean people as lacking sufficient 'virtue' or as plainly 'ignorant'. As I previously argued, during the founding period of the Republic a republican theory of virtue was instrumental in the legitimation of autocratic or aristocratic regimes through the disqualification of the people as a relevant political actor.

O'Higgins' dictatorial ruling elicited a reaction from the Senate in the months of March and April 1822. Despite it being a body dependent on the Supreme Director, the Senate decided it was time to resume a more democratic path, which implied giving the *pueblos* (provinces, cities, villages) their voice back by securing their right to appoint their governors and other local authorities through popular elections. Besides being a simple demand for respecting the Constitution in force, it was a tacit affirmation of the old *Derecho de los Pueblos*. The republican side of O'Higgins ended up accepting the Senate's demand –popular sovereignty had to be the foundation of the state!—but his response was not quite what they were expecting: he convened an Assembly whose aim was to prepare a constituent assembly for the elaboration of a new political constitution. In principle, each *pueblo* or place was to democratically elect a deputy for this convention, but O'Higgins intervened in the electoral process by personally designating those he believed capable and trust-worthy of such a position. These appointments were made through secret letters addressed to the governors-intendants in which he 'recommended' the ideal individuals for the post, a move that caused an immediate, though moderate, reaction in the provinces. The *pueblos* of Concepción met in an *Asamblea de los Pueblos Libres* (Assembly of Free Communities) to discuss the issue. In any case, O'Higgins' intentions went uncontradicted and the *pueblos* of Santiago, Concepción, Coquimbo, Osorno, Valdivia and Chiloé 'elected' and sent their representatives to the *Convención*. As it turned out, this *Convención Preparatoria* not only prepared the constituent process but actually completed it. By the end of October 1822, it promulgated the constitution which had been drafted in the previous sessions, largely written by the deeply unpopular minister Rodríguez Aldea.<sup>235</sup>

The Political Constitution of the year 1822 followed that of 1818 by consolidating the abstract concept of sovereignty set by the latter ('the nation'), turning a deaf ear to the living sovereignty of the *pueblos* while leaving the *cabildos* at the mercy of the Supreme Director. 'Nation' here was defined as 'the union of all Chileans'. It further established that the government of Chile 'will always be representative', composed of an Executive, Legislative and Judiciary power, echoing the republican-representative solution which Camilo Henríquez had

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<sup>235</sup> José Antonio Rodríguez Aldea (1779 – 1841) was a Chilean politician and one of the greatest representatives of the O'Higginist faction. Later on, Rodríguez Aldea would second Diego Portales in the conspiracies that preceded the 1829 revolution. After the battle of Lircay, he became member and then president of the *Congreso de Plenipotenciarios*, actively supporting the presidential candidacy of José Joaquín Prieto.

elaborated philosophically in published newspaper articles. An elected Congress was going to house two chambers –a novelty— but through weak democratic procedures that allowed for electoral manipulation. The Senate would be composed of ex-ministers of state, bishops, army officers of a certain rank, *hacendados*, and other men of note. The members of the Chamber of Deputies were to be chosen by ‘*electores*’ chosen from a list prepared by the councils or inspectors. Finally, a ‘*Corte de Representantes*’ or third chamber of seven individuals –elected by the Chamber of Deputies— was added and given a supervisory role. Elected by this Congress, the Supreme Director is in charge of the executive branch for a period of six years. Through one of its articles, the new Constitution maintained the dictator Bernardo O’Higgins in power for (at least) six more years.<sup>236</sup>

Both the procedure (the Convention) and the product (the content of the aforementioned constitution) of the recent constituent process seemed to mock the people. The new state was, after all, a combination of central military power, the Director, and a set of ‘representative’ institutions radiating a fake democratic aura. In total, more than ten years of militarism had elapsed. And so the people rebelled. Less than three months after the proclamation of this constitutional text, in January 1823 the *pueblos* of the province of Concepción led by the governor-intendant Ramón Freire led an uprising which demanded that O’Higgins be removed from office. Soon after, the *pueblos* from Coquimbo and Santiago joined in what became a general insurrection against the Supreme Director (and *his* state). Under these circumstances, O’Higgins abdicated in a republican gesture no historian has failed to appreciate.

Partly following the interpretation offered by the historian Gabriel Salazar, I believe that the political events of January 1823 mark the comeback of the democratic tradition of the Chilean *pueblos* based on a re-interpretation or re-actualization of the old popular-democratic imaginary under a modern republican framework. Against the grain of mainstream Chilean historiography, whose most emblematic figure during the nineteenth century was Diego Barros Arana, and in light of recent contributions to the field, I will deny the conservative and simplistic view that the 1820s represented a period of ‘anarchy’.<sup>237</sup>

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<sup>236</sup> Letelier, *op. cit.*, vol. VI, pp. 332-344

<sup>237</sup> Diego Barros Arana (1830 – 1907) was a Chilean professor, legislator, minister and diplomat. He is considered the most important Chilean historian of the 19th century. His *General History of Chile* is a 15-volume work that spanned over 300 years of the nation's history. He is still very influential, but in the past few decades a number of historians have attempted to provide an alternative, less biased interpretation of the crucial period 1823-1830. See, for example, Sergio Villalobos, *Tradición y Reforma en 1810*, Santiago: Universidad de Chile 1961; Julio Alemparte, *Carrera y Freire: Fundadores de la República*, Santiago: Nascimento 1963; Julio Heise, *op. cit.* 1978

## ***The 1823-28 liberal-democratic movement – The revival of an old social imaginary***

“There have been few revolutions more popular and majestic than the 1823 revolution. It was not a party that defeated another party by chance or trick; it was an entire people rising against the will of one man, in defense of their rights and in demand of institutions that could show the nation the way to liberty and progress.”

Domingo Santa María (1856)

Emancipation was complete, it was a consummate fact. So now Chilean elites from all its provinces were united in common cause against the personalistic despots of the previous decade and in favor of the creation of the Republic they had fought for so long. Although led by an elite (like in 1810), the popular-federalist movement born in 1823 had ample support and participation from lower-class segments of the population, such as *labradores* (peasants) and artisans. Immediately after the promulgation of the 1822 Constitution, Ramón Freire, the governor-intendant of Concepción, commanded the *cabildos* to summon all people “without distinction of class” to elect representatives for a Provincial Assembly.<sup>238</sup> This popular assembly was going to examine what they perceived as an illegitimate constitution—and by doing so it also set a revolutionary political process in motion. The response from the *pueblos* of Concepción was immediate and enthusiastic permitting even illiterate people the vote. The 8<sup>th</sup> of December the Assembly was inaugurated and three days later it sent a document to O’Higgins openly communicating its civil disobedience on the grounds of defending the ‘will of all the pueblos of the state’, precisely what the *Convención Preparatoria* and the new constitutional text were violating, or so they claimed.<sup>239</sup> This document –the *Oficio* of the Concepción Junta— brought to the surface a clash of political self-interpretations. In opposition to the abstract concept of sovereignty incarnated in the constitution we see a revival of an old political notion: sovereignty based on the *pueblos* and in the public exercise of their will.

After receiving a message from the Concepción Assembly, in Northern Chile within the province of Coquimbo, the neighborhood of La Serena convened a *Cabildo Abierto* or open council, thus joining in the revolutionary cause. It had complete support from the different *pueblos* of this region. The *pueblo* of Santiago eventually rebelled as well, feeling pressure from this revolutionary force coming both from the north and the south. Here too, the traditional practice of the open council was the democratic mechanism used to channel this popular manifestation of civil disobedience, which ultimately forced the Supreme Director O’Higgins to resign.

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<sup>238</sup> Diego Barros Arana, *Historia General de Chile*, vol. XIII, Santiago: Editorial Universitaria 1999, p. 563

<sup>239</sup> The document was entitled “Oficio de la junta de Concepción, dirigido al supremo director don Bernardo O’Higgins”, in: Santa María, *op. cit.* 1858, pp. 190-191

These proceedings mark the beginning of what we can consider the first social movement in the history of Chile, an organized popular-republican process that included both elite as well as non-elite segments of the population from the different territories of the country. It would last until 1828 and historians have often called it the 'Federalist movement' of the 1820s, although we expect to provide a more adequate understanding of it by placing this movement in the longer historical perspective we have been reconstructing.

José Miguel Infante, one of the promoters of the 1823 rebellion in Santiago –a man seriously committed to the traditional democracy of the *pueblos* and who had played a decisive role in the political events of 1810— would later become an important leader of the federalist movement. He was himself the personification of the democratic tradition which the *pueblos* now wanted to recover after a decade of militarism, despotism and, last but not least, centralism. Just as had occurred in the Open Council that took place on the eighteenth of September 1810, on the morning of January 28, 1823 Infante, together with more than two hundred neighbors of the city of Santiago, got together and this time invited the Supreme Director to hear “the demands of the people”.<sup>240</sup> He was asked to depose his authority before an assembly of the neighborhood of Santiago in exchange for immediate peace in the Republic. After an intense dialogue the Supreme Director acceded and handed over command to a Governing Junta –a decision supported *viva voce* by the people reunited there— formed by Agustín Eyzaguirre, José Miguel Infante and Fernando Errázuriz (“these three names were beloved by the people; they had figured since the onset of the 1810 revolution”)<sup>241</sup> and subject to government regulation which was going to be drafted by a commission composed by the *letrados* Juan Egaña, Bernardo de Vera and Joaquín Campino.<sup>242</sup>

The form O'Higgins' abdication took and the subsequent creation of the Governing Junta is proof of the presence and vitality of that aboriginal republican culture which here, in early 1823, reemerged again with the same set of political self-understandings-*cum*-practices that thirteen years before had allowed Chileans to affirm their political autonomy *vis-à-vis* the metropolis. It is true that in the process Ramón Freire would become the new military caudillo of the national scene (and later on, Supreme Director of the Republic), but contrary to the caesaristic orientation of Carrera and O'Higgins, he incarnated a different type of leadership: that of the citizen-military. The '*pueblos libres*' found in the person of Freire the natural leader for their political struggle against the elite of Santiago and its centralist pretensions. From here until the end of the 1820s it was this mounting conflict between the plural democracy of the *pueblos* led by the provinces and the centralist republicanism of Santiago that would dominate the period.

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<sup>240</sup> *Idem*, p. 18

<sup>241</sup> *Idem*, pp. 26-27

<sup>242</sup> Salazar, *op. cit.* 2005, p. 179



In fact immediately after its establishment the supposedly representative Junta of Santiago began to elaborate a centralist political discourse (on the need of a 'central' state) and explicitly denied the proposal made by the provinces to form a provisional government composed of three representatives from Coquimbo, Concepción and Santiago with the immediate task of convening a general congress. In reaction, the Concepción Assembly decided to send Freire and part of the army to the center of the country in order to force fairer conditions on the Junta of Santiago. During these negotiations, Freire not only managed to convince the members of the Junta to set up a representative government of the three provinces but also became designated chief general of all the armies. "General Freire... received an indisputable (military) *central power* while he himself defended the federative and democratic project the *pueblos* of the country were fighting for. Paradoxically this dual position would make him a *military centralist caudillo of a democratic-federalist popular movement*."<sup>243</sup>

By the end of March 1823, the *Asamblea Provincial de Santiago* gathered, where the delegates from the three provinces could finally meet. In this General Congress, known as the *Congreso de Plenipotenciarios*, an Act of Union (*Acta de Unión*) was signed.<sup>244</sup> Freire was unanimously designated provisory Supreme Director of the state, a title he only reluctantly accepted. As part of this provisional government, the plenipotentiaries reformed the conservative Senate of the 1818 Constitution, originally composed of five members *designated* by the Director O'Higgins, and transformed it into a federative Senate composed of nine *elected* members, three from each province. It was also agreed that the provisional government would organize and convene a Popular Constituent Assembly in order to democratically carry out the construction of the state. In this way, the Director and the Senate were visibly acting in line with the political intentions of the *pueblos*. Salazar, however, also notes that this Congress established an electoral system (designed for the creation of the Constituent Assembly and the election of delegates, intendants and senators) which in a way distorted the sovereignty of the *pueblos* by re-drawing the Chilean territory into six '*departamentos*', which in turn were divided into '*delegaciones*' whose inhabitants were to constitute electoral assemblies. But these were arbitrary territorial divisions that ignored the organic unity of the traditional *pueblos* and their face-to-face interactions at the (open) councils. The new electoral system defined the 'citizen' simply as an inhabitant of these territories in replacement of its definition as 'home owning neighbors' ('*vecino con casa poblada*') as had been the custom according to the *Derecho de los Pueblos*. In this move, Mariano Egaña –at the time one of Freire's ministers— played a significant role. This procedure was of course very beneficial to the interests of Santiago, which as the most

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<sup>243</sup> *Idem*, p. 185. In his book *Modern Social Imaginaries*, Charles Taylor explains that the pre-modern notion of a Law of the people "can confer leadership on some elements, who thus quite naturally speak for the people. Even revolutions (or what we consider such) in early modern Europe were carried out under this understanding..." *Op. cit.*, p. 16

<sup>244</sup> Santa María, *op. cit.*, pp. 77-81

populated area in the country could now elect 28 deputies (in contrast to 15 from Concepción, 8 from Coquimbo and 2 from Valdivia and Osorno). A more democratic aspect of the new electoral system was that it extended the right to vote to those segments of the population which we would now consider the middle classes: priests, artisans, public functionaries, etc., all of them '*con casa poblada*'. Only the poor '*bajo pueblo*' (lower classes), *inquilinos* and peons, were excluded.

All in all, these were going to be the first free elections in Chile since 1811. That is, after twelve years of military autocracy (Carrera and O'Higgins) with an intermission of foreign occupation (the Spanish Reconquista), Chile could again have a democratically elected representative Congress.<sup>245</sup> On the 12<sup>th</sup> of August 1823 the Congress held its first constitutive session. The *pueblos* of Chile celebrated this free and sovereign meeting. It was a constituent assembly from which they expected to build the state and the republican institutions *they* so longed for.

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We may view the Congress of 1823 whose mission was to draw up a new political constitution from the bases, and which for this reason can be also considered a Constituent Assembly, as the culmination of the revolution of the *pueblos*. Historian Gabriel Salazar ponders concluding that it was "one of the most democratic events in the entire political history of the Chilean Republic."<sup>246</sup> But despite the democratic *origin* of this constituent Congress, its *outcome* was profoundly anti-democratic: the (in)famous 'conservative Constitution' of 1823. How was this possible?

Different factors may account for this paradox: the overrepresentation of Santiago in the Congress in terms of its number of deputies; the fact that a largely conservative body was chosen; and the appointment of a Constitutional Committee headed by the conservative jurist Juan Egaña, amongst others. While in session, the Congress engaged also in legislative labors, that is, it co-governed the country along with the Supreme Director, diverting its attention from its constituent mission. This circumstance left considerable room for Egaña and his Committee to get on with the task of writing the constitutional text. And so it was that *within* the 1823 Congress, the popular-democratic imaginary of the *pueblos* found itself confronted, face to face, with the aristocratic republicanism of Juan Egaña, which –due to the aforementioned factors— finally managed to impose its own terms.

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<sup>245</sup> Ramón Freire makes an explicit reference to this fact during his speech in Congress on the 13<sup>th</sup> of August 1823: „The day when, after twelve years of destruction of our National Representation, the Fatherland sees a peaceful and legal meeting of its representatives... a day perhaps equal to the memorable 18<sup>th</sup> of September...” The date refers to the installation of the first Junta de Gobierno in 1810. Letelier, *op. cit.*, vol. VIII, pp. 19-20

<sup>246</sup> Idem., p. 199

Above and beyond the concrete points in the discussion of these constituent sessions that reflected the predominant political thought of the elected deputies (the need for industrial development and education, the protection of *inquilinos*, the reduction of inequalities, elimination of *Mayorazgos*, etc.), an important debate took place on the right balance between the 'local' and the 'national', between participation and representation, when the question was raised whether governors of each department were to be elected or designated.<sup>247</sup> The sovereignty of the *pueblos* and the autonomy of its traditional institutions –the Council and the Provincial Assembly— depended on this crucial definition. Representatives were divided between those who thought that the exercise of 'local politics' tended to divide society and those who believed, on the other hand, that centrally-appointed governors could not have the necessary knowledge of the local society they were to be in charge. In any case, the historical fact is that the more 'technocratic' group within the Congress (the more 'enlightened' men, in the European sense of this word) dominated this debate. Was this sheer imposition?

This would be too simplistic an explanation. Particularly in those days, European culture exerted all its powerful influence in the minds of the Hispano-American peoples. Not only the intellectual ('*el letrado*') but the common citizen ('*vecino con casa poblada*') revered everything European, its history from Ancient Greece to Napoleon and its impressive encyclopedic knowledge. The Chilean *letrados* were the ambassadors of this continent and its culture, and as such they were chiefly concerned to transmit the grand political theories and experiences that Western civilization had developed during its 'enlightened' and revolutionary phase. And they were listened to. Thus the importance of personalities such as Camilo Henríquez, Antonio José de Irisarri and Juan Egaña in the political history of Chile. The latter –among other European-oriented minds— wielded all his technocratic leadership in 1823 over the constituent assembly and succeeded in influencing the final outcome on critical constitutional decisions. "Deference to Egaña was so great that in private meetings of the commission only few had the courage to make observations and point to some weaknesses of the project. Its author, however, thought so little of all this, that when presenting his work he did not even care to make a written record of these observations, nor to recall them."<sup>248</sup> Through the *letrados* who truly were its ambassadors, European culture enjoyed great legitimacy in Chile and so the common citizen –partly aware of the historical significance of the popular revolution they were pushing forward in those days against the caesarist regime of O'Higgins and the centralist hegemony of Santiago— eventually submitted to the expert opinion of 'doctor' Egaña and his Committee.

In the previous chapter we saw the important influence of such European thinkers as Montesquieu, Constant or Rousseau on the Chilean *letrados*; not least than the political lessons

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<sup>247</sup> For a detailed account of these internal discussions of the 1823 Constituent Congress, see: Letelier, *op. cit.*, vol. VIII

<sup>248</sup> Santa María, *op. cit.*, p. 170

these intellectuals drew from the history of ancient Greece and Rome, the Italian republics of the Renaissance, as well as from contemporary France and North America. As already claimed, a European republican theory of virtue played a legitimating role in stripping away sovereignty from the local *pueblos* and placing it in the hands of an aristocratic, 'virtuous' government. In effect, during the constituent sessions of November 1823, Juan Egaña worked on an 'indivisible' concept of sovereignty, rejecting the political traditions of the *pueblos*, which in his opinion led to a dispersion and weakening of sovereignty.<sup>249</sup> In his experience, provincialism and federalism dissolve into anarchy and for that reason direct sovereignty had to be filtered or qualified through a central body composed of 'enlightened' and 'virtuous' individuals (in the European sense of these words), and this –as we know—was the Conservative Senate and the National Chamber of the 1823 Political Constitution, which we have already examined. O'Higgins' abstract and unitary concept of sovereignty reappears again in Egaña's constitutional project. This was presented by the Committee to the Congress and it produced a negative reaction amongst liberal deputies who defended the democratic tradition of the *pueblos*. These presented in turn a counter-draft on the 16<sup>th</sup> of December which was ignored. With absent deputies from Concepción and with virtually no time for the elaboration of an alternative proposal, only eleven days after, on the 27<sup>th</sup> of December the Egaña Political Constitution was hastily approved.

Hence, only one year after the outset of the popular revolution that had forced O'Higgins to resign, the elite of Santiago struck back, once again leaving the *pueblos* in an unfavorable position. Insensitive to the historical circumstances and the popular demands of the day, the new constitution was received with misgivings. Even the conservative opinion of the nineteenth-century conservative historian, Diego Barros Arana, acknowledged the shortcomings of this constitution:

"The 1823 Constitution was an effort... to organize, on absolutely theoretical grounds, a government that was out of step with the antecedents of the people (on which it was imposed), and with the aspirations that had triggered the revolution. That government, on the other hand, was a complicated machine, composed of many gears, which, instead of facilitating the general movement... made it impossible."<sup>250</sup>

The constitution conferred the Conservative Senate powerful attributions and responsibilities over the Supreme Director (the liberal Freire). The '*Régimen de Gobierno Interior*' or new territorial division into *departamentos*, *delegaciones*, *subdelegaciones*, *prefecturas*, *inspectorías*, and *municipalidades* evidently weakened the democracy of the *pueblos* centered on the councils –and their projection towards a federative state. Concepción and Coquimbo protested; Freire

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<sup>249</sup> 'Exposición de la Comisión de Constitución al Presentar su Proyecto al Soberano Congreso Constituyente', in Letelier, *op. cit.*, vol. VIII, pp. 460-465

<sup>250</sup> Barros Arana, *op. cit.*, vol. XIV, p. 132

and his minister Diego José Benavente expressed their poor opinion of the new constitution.<sup>251</sup> Many believed it to be a flagrant act of treason against civic traditions.

As we have seen, the North Atlantic modern social imaginary, the revolutionary ideology imported at that time, only partly defined the way the Chilean people *imagined* democracy, that is, the concrete articulation of this ideal that they accepted and understood. To fully grasp Chile's own trajectory to political modernity it's crucial to take into account additional elements, both social-historical and ideological. We can come at this same idea by answering a question: why is it that while a majority of Chile's elite had embraced the general principles of this revolutionary ideology or modern social imaginary, two opposite political discourses and state-building projects emerged in the public sphere in 1823? We have been arguing that the 'additional element' to be taken into account to make sense of the liberal and federalist project of the 1820s is the presence of a pre-modern popular imaginary which understands '*los pueblos*' as source of power and, therefore, loci of sovereignty—with the council and the provincial assembly as their modes of exercise. Here a re-interpretation of that old popular imaginary under the influence of a modern, secular and liberal-democratic language takes place. In contrast, Juan Egaña and his 1823 *Carta* (following the 1818 and 1822 constitutions in important aspects) represent an essentially anti-democratic discourse which seeks legitimation by recurring to a set of ideas and principles, such as 'national unity', 'order', 'strong government', 'virtue', 'moral government of the *ottimati*', etc. With respect to Egaña's own peculiar political tendency in his relation to the revolutionary ideology, Collier wrote:

"Though he accepted the basic notions of the contract and of popular sovereignty, it can hardly be argued that they played much of a part in his own theory. The entire cast of Egana's mind was conservative rather than liberal, and at times he seems to write as if he were a cross between an enlightened despot and a German Romantic. He could affirm, for instance, that 'that saying of Bonaparte's—"Everything for the people, nothing by the people"—is to a certain extent infallible', and he could claim that of the two extremes of liberty and slavery, the latter was, in the last resort, to be preferred. Yet at the same time, Egaña found himself able to share some of the common anti-despotic poses of the revolution, and he was as much a child of the Enlightenment as his more liberal contemporaries."<sup>252</sup>

On the whole, the 1823 charter denoted not only the overwhelming influence of foreign, European ideologies in opposition to Chilean local and concrete traditions and political expertise. It also spoke for the centralist and aristocratic interest of Santiago in opposition to the decentralized democracy of the pueblos. These 'additional elements' help us to explain and understand Egaña's political orientation.

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<sup>251</sup> *Idem*, p. 137

<sup>252</sup> Collier, *op. cit.* 1967, pp. 284-285

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“The satisfaction produced by the promulgation of the 1823 Constitution was only the satisfaction of one day.” wrote Domingo Santa María.<sup>253</sup> The complexity of the 1823 code soon proved to be unpractical. Its aristocratic, centralist, and moralistic traits suffered from a serious legitimacy problem. Especially unattractive to the liberals was its failure to set up a proper elected legislature. So after returning from his long stay in Chiloé, on the 14<sup>th</sup> of July 1824 Ramón Freire presented his resignation to the Senate arguing that he could no longer govern under the constitutional order in place. Some days later there were public demonstrations in the streets of Santiago against the constitution which eventually evolved into a *cabildo abierto* or town meeting where the citizens –‘*notables*’ as well as common people— demanded the suspension of the charter while maintaining Freire in office and even incrementing his powers. Soon thereafter the Senate decided to close its sessions. The end of Egaña’s short-lived political order was thus near. And here again –just like in September 1810 and in January 1823— the affirmation of the *pueblos*’ political sovereignty was effected through the traditional institution of the open council. Subsequently on July 21 1824 the Senate, summoned by Freire, agreed that he would be in charge of the administration of the state for a period of three months. If during this period of time, the implementation of the constitution proved to be impossible, a new ‘General Congress of the Nation’ would be convened. This actually occurred on the 26<sup>th</sup> of August when the government called the people to elect deputies for a new National Congress. Unwilling to repeat the same mistake of the previous year, Freire –through decree— expanded suffrage in order to include in the electoral masses artisans, the middle segments of the peasantry, and lower and middle range public functionaries. This measure sought to avoid a crushing predominance of the Santiago elite (and its Eurocentrism) in the new congress. Soon after beginning sessions, the deputies abrogated the 1823 Constitution and agreed that the current congress was ‘constituent’. It was therefore understood to continue in the process of construction of a *democratic national state*.

Nevertheless, the 1824 Congress moved into 1825 surrounded by an aura of impotency and negative achievement. Its economic policies which included reform of the tax system, abolition of the ‘*subasta de los diezmos*’ and of the *mayorazgos* —which directly affected the interests of the mercantile oligarchy and land owners— made the powerful elite of Santiago react. The Treasury Commission of the congress, composed mainly of deputies from Santiago, managed to stop these projects. Notwithstanding this effort, in less than a year the economic situation of the country had worsened, damaging the prestige of the congress. A conspiracy by

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<sup>253</sup> Santa María, *op. cit.*, p. 187

certain members of the Santiago elite led by general Joaquín Prieto and the merchants Joaquín Echeverría and Miguel Zañartu against the government comprised of circulating false letters (supposedly signed by high governmental authorities) and pretending to have reached an 'agreement' in congress by which Freire was removed from his office, only deepened the crisis. Although both conspiracies were discovered, the political damage suffered by the government could not easily be repaired. Ministers Pinto and Benavente resigned. The popular-democratic constituent process led by the liberals was falling to pieces.

In this context, most of the provincial *pueblos* decided to retire their deputies and establish autonomous provincial assemblies. Concepción was the first province to take this step. Soon afterwards the province of Coquimbo, under the leadership of ex-minister Francisco Antonio Pinto, followed the example. Freire quickly dissolved congress and convened the *pueblos* to elect a new central legislature in order to resume the constituent process. However, after the frustration suffered, most of the *pueblos* opted for strengthening their local governments. And so they constituted open councils to decide the best course of action under the present circumstances. Sovereignty thus returned, for the third time, to its source of origin.

The roots of Chilean federalism may be found in the repeated struggles between the provinces and the capital of Santiago which can be traced back to 1811. But at this point, in mid-1825, the idea of a federally organized state begins to gain expression and force. Salazar wrote, "The federalist content of the revolution of 'los pueblos', implicit until then, became explicit as a natural result of the impotency in which the National Congress found itself due to the anarchic power displayed by the pueblo where the sessions were held [Santiago]."<sup>254</sup> With great distrust towards national congresses, the cities of Coquimbo and Concepción established provincial assemblies with the explicit aim of proposing a new constitutional text while acknowledging Ramón Freire as the legitimate leader of the central government.<sup>255</sup> In this way, a *de facto* federal regime took shape in the country.

The mercantile and landowning elite of Santiago saw itself in need of a counterattack. The installation of provincial assemblies coupled with the widespread popularity of the liberal and democratic Freire was perceived by this elite as a dangerous political constellation. Freire, however, gave the neighbors of Santiago the possibility of expressing their desires and complaints in a meeting. In his desire to heal dissension between the provinces, and after hearing the opinion of Santiago, he attempted to form another national congress. The only *pueblo* to actually elect deputies was the capital. Unsurprisingly, the chosen deputies were "important and prestigious" neighbors, the majority of whom "professed a sincere attachment to General O'Higgins".<sup>256</sup> Deputy Infante thought that if Coquimbo and Concepción had refused to

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<sup>254</sup> Salazar, *op. cit.* 2005, p. 245

<sup>255</sup> Barros Arana, *op. cit.*, vol. XIV, pp. 388-389

<sup>256</sup> *Idem*, p. 390

elect their representatives, the congress should aspire to become not more than a 'Provincial Assembly'. Deputy Juan Egaña, on the other hand, thought that the twelve elected deputies could perfectly well constitute a provisional national congress, a proposal which, supported by the O'Higginists, was finally approved.<sup>257</sup> It is worth noting that even *within* the Santiago intelligentsia, profound dissensions existed as a reflection of the overriding clash of political orientations we have been studying: the contrast between Juan Egaña –the author of the failed 1823 Constitution—and José Miguel Infante, a genuine liberal who would soon become the great ideologue of the federalist movement. The self-proclaimed 'National' Congress, with clearly conspiratorial intentions, conducted a bitter quarrel with Freire which ended up with military movements and threats and finally his removal as Supreme Director. He countered immediately arresting one of the leaders of the conspiracy and later on, through an open council decision, dissolved the congress.<sup>258</sup>

After over three-years of defending the constituent power of the *pueblos* against the centralist pretensions of the capital, Freire was ready to attempt his last action in this direction. He set up a Directorial Council (presided by Infante) and a Consultative Council to govern Chile during his second and last military operation to Chiloé (site of the remaining Royalist forces in Chilean territory). But most importantly, he gave his interior minister, Joaquín Campino, together with these two councils, the task of organizing a new constituent national congress. Campino created a new division of the country into eight provinces as opposed to the previous three: Coquimbo, Aconcagua, Santiago, Colchagua, Maule, Concepción, Valdivia and Chiloé, each of which was allowed to elect their respective provincial assemblies as well as their governors, at least until the definitive constitution of the state was agreed upon. However, Campino did not reform the (individualist) electoral system of 1823 which calculated the number of deputies in congress by the number of inhabitants in each territory, a system which gave an overwhelming majority to Santiago. Surprisingly, the elected deputies from the province of Santiago were amenable to the growing federalist current and the liberal ideas of those days in striking contradiction to the oligarchic interests of the capital and the O'Higginist faction who wanted the return of a centralist and authoritarian government. The *de facto* federalism, in which the Chilean Republic found itself, appeared to be a convenient and peaceful system for all the *pueblos*; it now required its formalization. On the July 6, 1826, the new Congress in session approved a simple motion: *La Republica se constituye por el sistema federal* ('The Republic is constituted by a federal system').<sup>259</sup> For the first time the members of Congress seemed to be working together to pursue a single goal. Famous liberal and federalist *letrados* like José Miguel Infante, José Ignacio Cienfuegos, Juan Fariñas, Francisco Vicuña, amongst others, stood out in

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<sup>257</sup> Salazar, *op. cit.* 2005, p. 254

<sup>258</sup> Barros Arana, *op. cit.*, vol. XIV, pp. 398-408

<sup>259</sup> Letelier, *op. cit.*, vol. XII, p. 54 ['The Republic is constituted by the federal system'].



these congressional sessions. Freire chose this moment to present his resignation as head of state. Manuel Blanco Encalada was the man who succeeded Freire as President of the Republic, the title of Supreme Director having by then been abolished.<sup>260</sup>

At that point the main problems affecting the country were a budgetary crisis of the state and difficulty maintaining and expanding the military garrisons dispersed around the territory. After a failed search for financial resources –in conversations both with the Congress and rich Chilean capitalists—Blanco Encalada presented his resignation, only two months after assuming office. His Vice-president, Agustín de Eyzaguirre, was designated as his successor.<sup>261</sup> This man, who had close connections with the Santiago mercantile oligarchy, managed to stabilize the economy without resolving the crisis of the Treasury. If all the governments from the beginning of the nineteenth century had failed to convince Chilean ‘capitalists’ to contribute to resolve the financial problems of the state (through taxes, loans, formation of banks, etc.),<sup>262</sup> during the governments of Blanco Encalada and Eyzaguirre this mercantile elite strengthened its position, demanding tax cuts and even utilizing the state for alleviating the disastrous financial impact caused by the bankruptcy of the tobacco monopoly run by Portales, Cea & Cia (known also the *Estanco* business). Meanwhile, the liberal Congress of 1826 had proposed three controversial motions: the elimination of the so-called ‘levas’ or military operations of forced recruitment, the direct election of parish priests, and –for the fourth time— the eradication of the *mayorazgos*, in order to reintegrate their wealth into the national economy. In the discussions, the liberal deputies opposed this institutions arguing against the inequalities it produced, which were considered incompatible with the federal and democratic state under construction.

In other words, in early 1827 the mercantile behavior of the oligarchy stood in perfect contradiction with the financial needs of the government and the redistribution policies of the congress. This situation triggered a division of political forces within the country. This can be seen as the origin of the first political ‘parties’ in the history of Chile.

Led by the man involved in the scandalous outcome of the *Estanco* affair, Diego Portales, the daring *estanqueros* became the main pole of political alignment of Santiago’s elite. They attracted the *pelucón* group (‘big-wig’) and land-owning aristocrats, who were the traditional conservative element during the Independent Republic, as well as a smaller group of faithful followers of Bernardo O’Higgins, led by Rodríguez Aldea, who professed conservative views, devotion to authoritarianism and would later show distaste and opposition to the liberal governments of 1824-9. This was how a conservative front would consolidate towards the end

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<sup>260</sup> Manuel Blanco Encalada (1790 – 1876) was a Vice-Admiral in the Chilean Navy, a political figure, and Chile’s first President.

<sup>261</sup> Agustín de Eyzaguirre (1768 – 1837) was a Chilean political figure and business man. He served as Provisional President of Chile between 1826 and 1827.

<sup>262</sup> Gabriel Salazar, “Del corral de las fonderas al Palacio de Gobierno: el entierro social del oro mercantil. Santiago de Chile, 1770-1837”, *Revista de Historia*, 1, 4, Universidad de Concepción 1994, pp. 45-96

of the decade. The *estanqueros* were the more inflexible faction who, according to Collier, “believed in tough, centralized government and an end to political debate.” Their criticisms were not so much directed towards the government of Eyzaguirre as to the provincial liberals of the congress. This liberal front, in turn, had taken shape during the 1820s led by such figures as Ramón Freire and, later on, by Francisco Antonio Pinto, who were generally referred to –in a derogatory way— as *pipiolos* or ‘novices’. The federalists of the same decade, whose inspirational figure was José Miguel Infante, constituted a second element of the liberal camp, followed by a third group, sometimes referred as *populares* or ‘popular liberals’, “the extreme left wing of the Chilean revolution.”<sup>263</sup> This political division was a visible sign of the underlying clash of political ideologies and imaginaries at work during those years. Too much was at stake. On the one hand, the success or failure of the popular-democratic movement that had begun in 1823 in an attempt to construct the national state ‘from below’ and which by then was in the hands of the 1826 Congress and its constituent work. On the other, the virulent attack by the *estanqueros* against the *pipiolos* and the (liberal) Congress and the return to a ‘tough, centralized government’ monopolized by the oligarchic-mercantile group of the capital.

The riot of January 1827 headed by Colonel Enrique Campino, the so called Campino Uprising, marked a peak of the crisis while achieving its seeming political objective: the departure of Eyzaguirre. Momentarily, the first seat of the state returned again to those outspoken advocates of the *pueblos*: Ramón Freire and Francisco Antonio Pinto as his vice-president. On February 1st and despite this complex constellation of events, the Constituent Commission formed by Cienfuegos, Vicuña, Elizondo, Infante, Fariñas and Novoa, delivered a draft constitution, the ‘*Proyecto de Constitución Federal para el Estado de Chile*’, to be discussed in congress and then revised by ‘*los pueblos*’. According to this text, the government took a ‘federal representative republican form’, but its guidelines were more concerned with the articulation of the national or central government rather than with the internal government of the provinces. Surprisingly, the councils and municipalities were not mentioned at all. Nonetheless, the *Proyecto* possessed a strong democratic character. Deputies were to be directly elected every two years, one per 15 thousand inhabitants; senators, sixteen in total, were to be elected by the Provincial Assembly, two each one (the national territory was now composed of eight provinces). The Executive Power comprised a President and a Vice-president, both elected by a system of electors for a three-year term, who had to fulfill their most important functions with the agreement of the Senate and a Council of Government, the latter composed of one senator per province. While it is true that each province was permitted to have a ‘constitution’ and, according to it, legislative (the Provincial Assembly), executive and judicial powers, everything had to be in tune with the General Constitution. Military, diplomatic and commercial

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<sup>263</sup> Collier, *op. cit.* 1967, p. 296

decisions could not be taken at the provincial level without the consent of the General Congress.<sup>264</sup>

In contrast to the 1823 Constitution by the jurist Juan Egaña, the present Project was simple and straightforward, but it soon became the target of strong criticisms. Its federal and secular orientation infuriated centralist and religious-conservative segments of the elite of Santiago. Amongst other things, the process of 'ratification' of the constitutional text by the different provincial assemblies was opposed and boycotted by the Assembly of Santiago (dominated by Juan Egaña and others) leaving the 1826-27 constituent process at the risk of collapse. It was in this context that Freire presented –for the last time in his political career— his resignation, which was accepted by the Congress. On the 7<sup>th</sup> of May, former vice-president, General Francisco Antonio Pinto, was appointed the new head of state. Despite the new President being a liberal, the general climate in the country showed that the federalist enthusiasm was receding.

Before proceeding with the historical record, it is worth pausing to analyze the political-philosophical implications of the federalist movement as we have so far studied it.

While it is true that Chilean federalism was partly nourished by the revolutionary ideology and can be considered “an extension of the liberal desire to achieve individual freedom and self-government, and as a deepened hatred of the executive power”<sup>265</sup>, it is also true that the North American example was used to inspire leaders of the federalist movement, like Joaquín Campino, Infante and Vicuña. But these conceptual affinities should not confuse us. As we have shown, this movement was, above all, a re-assertion of local and provincial rights enshrined in the *Derecho de los Pueblos* and sustained by a popular pre-modern imaginary. Chilean federalism was therefore a subsequent development of *indigenous* traditions of long date, and in this sense it presents a sharp contrast to the foreign, European ideologies of Rodríguez Aldea and Juan Egaña. As early as 1811, Juan Martínez de Rozas and Manuel de Salas protested against Santiago's demand that its number of deputies be doubled. In this context, the idea of forming a *federal* Junta was invoked for the first time. In a federalist tone, Rozas wrote to Carrera in 1812 arguing that the national government “is and ought to be representative, so that the equality of rights of all the peoples may be maintained and so that some do not become colonies of others.”<sup>266</sup> That is, each *pueblo* is sovereign and all have the same rights. The centralist tendency at that time was represented by Carrera; (tacit) federalism, on the other hand, by the elites of Concepción and Coquimbo. However, during the *Patria Vieja* more urgent questions, notably independence from Spain, diverted attention from this important debate. O'Higgins' government further delayed things. Only the popular revolution of January 1823 was able to bring back to

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<sup>264</sup> „Proyecto de Constitución Federal para el Estado de Chile“, in Letelier, *op. cit.*, vol. XIV, pp. 75-85

<sup>265</sup> Collier, *op. cit.* 1967, p. 305

<sup>266</sup> Quoted in Collier, p. 307

the fore the old federalist traditions and habits rooted in the councils and the provincial assemblies.

Thus, we have to be careful in differentiating the democratic federalism of the *pueblos* from the essentially anti-democratic North American federalist scheme of 1787, as advocated amongst others, by Camilo Henríquez in 1823 through the newspaper *Mercurio de Chile*. Cienfuegos also mentioned the difference that separated the democratic federalism that was being established in Chile from that of the Confederation of the Rhine.

“...and I have arrived at the conclusion that the least bad government (since there is no good one), the one that reason dictates and, is the most convenient to the Republic is that one called federal; not that strict and absolute federal Government with a despot at its center which [is] the confederation of the Rhine.”<sup>267</sup>

The federalism of the mid-1820s carried the doctrine of popular sovereignty to its furthest extension and in perfect harmony with the old imaginary of the *pueblos*. It was an attempt at nation building from below: from the council through the provincial assembly –that permanent popular meeting— projecting itself towards the national level and the construction of a representative system following a bottom-up, democratic logic.

From a conceptual view point, Chilean federalism responded to an attempt at realizing the modern republican ideal through an institutional arrangement enabling self-government. In contrast to the Egaña’s aristocratic republicanism, “federalist republicanism corresponds... to the ‘democratic moment’ of Chilean republicanism. Under the premise of self-government, it conceives the need to stimulate and broaden citizen participation as the safest means to preserve the freedom of the republic.”<sup>268</sup> The ‘despot’ against whom freedom had to be preserved was the powerful elite of Santiago and its centralist-unitary political project. These centralist attempts reminded the federalists of monarchic governments, the absolutism of the Bourbons, and the political nullity they suffered during colonial times. Against the unity of one ‘*pueblo*’ stood the multiple political subject of the ‘*pueblos*’ acting by means of their respective assemblies, the preferred institution for preserving this multiplicity and ensuring public deliberation. Contrary to the ‘nation’ –the abstract *unity* of ‘all Chileans’ and the government of the few, the federalist discourse consciously employed the word ‘*pueblos*’ as if they wanted to emphasize the fact that the real popular sovereign was plural. In short, the political language of the federalists, though rooted in custom and stored in the political memory of Chileans, became rearticulated –especially during the 1820s— as a controversial reply to the ‘official’ and ‘enlightened’ discourse of Chilean republicanism, which promoted a centralist and unitary

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<sup>267</sup> Letelier, *op. cit.*, vol. XII, p. 103

<sup>268</sup> Castillo, *op. cit.*, p. 152

republic. This is most evident in a public manifesto issued by the Coquimbo Assembly in October 1826:

“When the Assembly of Coquimbo through its instructions recommended federation, it knew by then that this system had some public enemies; but it always counted on the will of the peoples [*la voluntad de los pueblos*]... In sixteen years of revolution, we have only seen in South America central governments and what commonly occurs in these: they quickly degenerate into despotism or into a dictatorship...[like that of] don Bernardo O’Higgins... We are told that their endeavor is to build a Republic; but centrality contradicts that flattering name which means the same as *federal despotism*. The titles of Director or King, Emperor or President do not alter the substance since the attributions are the same... A Republic is where the peoples [*pueblos*], looking after their particular interest, protect the whole of the association; but if good and evil shall come precisely from the center, the peoples are nothing but the instrument of tyranny.”<sup>269</sup>

In the eyes of the Coquimbo Assembly the unitary republics of Carrera and O’Higgins were simple avatars of Spanish monarchic rule. The conclusion drawn after ‘sixteen years of revolution’ is that unitary schemes conflict with republican self-rule and do so in inverse proportion with an active, deliberative citizenship.<sup>270</sup> Political power and the exercise of government must remain close to the citizen, one who understands himself as ‘neighbor’ of a *pueblo* or province and who therefore has a sense of political belonging. In this way, Chilean federalism was arguably pushing towards the realization of a central ideal of modern republicanism, what Taylor calls the basic thesis of the civic-humanist tradition, associated with such thinkers as Machiavelli, Montesquieu, and Tocqueville:

“...the essential condition of a free (nondespotic) regime is that the citizens have a deeper patriotic identification. This may have seemed self-evident to them because of their concept of freedom. It was not defined mainly in terms of so-called negative liberty. Freedom was thought of as citizen liberty, that of the active participant in public affairs. This citizen was ‘free’ in the sense of having a say in decisions in the political domain, which would shape everyone’s lives. Since participatory self-government is itself usually carried out in common actions, it is perhaps normal to see it as properly animated by common identifications. Since we exercise freedom in common actions, it may seem natural that we value it as a common good.”<sup>271</sup>

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<sup>269</sup> “Manifiesto que hace la Asamblea de Coquimbo a los pueblos de la Republica sobre la inteligencia de sus instrucciones federales a los diputados de la provincia en el Congreso Nacional de 1826”, in Letelier, *op. cit.*, vol. XII, p. 30-31

<sup>270</sup> It is worth noting that it was precisely during the 1820s when newspapers really became a prominent feature of Chilean political life and when a lively public sphere took form. According to the estimations, if we take the period 1810-1850, the years 1823-30 saw the largest spikes in production and publishing of new periodicals. See: Wood, *op. cit.*, pp. 38-42

<sup>271</sup> Taylor, *op. cit.* 1995, p. 192

In fact, the republican regime was understood by the *pueblos* as a collective enterprise in construction. The evils of centralist and unitary governments were precisely confronted with more (direct) participation at the community level. This in turn is inextricably linked with the *pueblos*-tradition of popular sovereignty, transmitted by memory, custom and philosophical doctrine. This 'political memory' explains the fear of usurpation of local sovereignty, similar to the position of the American anti-federalists. As can be seen, the old and the new intertwine and traditional and modern ideals find here a harmonic resolution.

Understood in this way, the term federalism meant in practice democracy. Contrary to the 'official' republican discourse of those days with its characteristic mistrust of the 'intelligence' and 'enlightenment' of Chilean peoples –an opinion shared amongst intellectuals such as Henríquez, Irisarri, Egaña, Rodríguez Aldea— the federalist governments from 1825 onwards allowed the election of public offices through direct popular suffrage, as was the case with the election of local governors and parish priests. It is worth pointing out that the election of local authorities at the *pueblo* level was understood by federalists as the restitution of the old *Derecho de los Pueblos* and not, as some might think, as a complete innovation.<sup>272</sup>

Another aspect of the debate which illustrates the democratic spirit that animated the federalists concerned the relationship between politics and property. The above mentioned Constitutional Project of January 1827 established that every male citizen over 21 years of age if married (and over 25 if single) could vote, regardless of his level of literacy or personal wealth. We have also recorded the various federalist attempts at abolishing the colonial institution of *mayorazgos*. As Castillo explains, such a policy aimed at “destroying the foundations of a social and economic inequality which is conceived as inappropriate and pernicious for the installing of republican political life.”<sup>273</sup> The *mayorazgos*, which concentrated wealth in the hands of few families thus maintaining the power and influence of the Chilean oligarchy, was rightly perceived as inconsistent with republican freedom. As dangerous to a federative democracy as the existence of an almighty Executive is the existence of a powerful aristocracy. The federalist congressmen thus put on the table –as never had been done before— the principle of equality, particularly socio-economic equality, as a condition for self-rule.

The federalist movement can be said to embody the democratic moment of Chilean republicanism. Negatively, it was born as a reaction to sixteen years of oligarchic centralism or “imprudent pretensions to Sovereignty” –as Freire once put it—“which threatened to destroy the social bonds and promote civil war between the provinces.”<sup>274</sup> Positively, it rested on the political habits and institutions of the *pueblos* and more generally on a pre-modern social imaginary from which it drew its strength and political legitimacy.

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<sup>272</sup> Ramón Freire, on the other hand, represented a moderate liberal tendency in the middle of federalist radicalism.

<sup>273</sup> Castillo, *op. cit.* p. 177

<sup>274</sup> Letelier, *op. cit.*, vol. XII, p. 7

## ***The liberal-democratic Political Constitution of 1828***

The newly elected President of the Republic, the liberal Francisco Antonio Pinto, strove to find a middle ground between the extreme conservative and federalist political camps of those days. He not only took distance from the ideologue Infante but also departed from the former liberal leaders Benavente and Gandarillas, who had recently passed to the side of the *Estanqueros*—the party led by the merchant Diego Portales.

On the 19<sup>th</sup> of June 1827, the national congress dissolved itself. This implied the end of the federalist project but not the demise of the popular-democratic movement of the *pueblos*. Before closing its doors, congress had ordered the creation of a National Commission composed of the number of individuals equal to the number of provinces in order to consult the nation on its preferred form of government. Councils and assemblies were invited to vote so that the ongoing constituent process could be democratically carried out and completed. The result of this survey was that the majority of the provincial assemblies –Coquimbo, Aconcagua, Chiloé, Valdivia, and even Santiago— voted in favor of a “‘regulated’ federal system or a ‘moderate’ unitary system”, contrary to the interests of *pelucones* and *estanqueros* who advocated an ‘authoritarian centralism’.<sup>275</sup> In January 1828 the new elections of deputies took place which was an overwhelming triumph for the liberal-*pipiols*. Barros Arana spoke of electoral fraud but still recognized an ‘indisputable victory’.<sup>276</sup>

Unlike any other congress of the decade, the 1828 Congress concentrated exclusively on the drafting of a new Constitution and in just two months concluded its work. President Pinto, on the other hand, put order in the country and reformed and improved the situation of the Treasury. By the end of the year, Chile finally had a Political Constitution—one of the finest constitutional texts in the history of the country, as it has been widely regarded by jurists and politicians.

Let us review some of its central ideas.<sup>277</sup>

According to this text the government of the Nation adopted a ‘popular-representative’ republican form. It is important to point out that the word ‘popular-representative’ had been previously suggested by the Assembly of Coquimbo when asked to give its opinion on its preferred form of government.<sup>278</sup> The utilization of this term sought to eliminate or overcome the dichotomy between the terms ‘unitary’ and ‘federal’, the bitter polarization and quarrel of the past years between conservatives and federalists, “in order to emphasize the idea of a

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<sup>275</sup> Salazar, *op. cit.* 2005, p. 318

<sup>276</sup> Barros Arana, *op. cit.*, vol. XV, pp. 155-156. Recently, James Wood has affirmed that “while some forms of election fraud had been considered acceptable in Chilean politics before 1828, the Pinto administration’s creation of institutionalized mechanisms of electoral manipulation was unprecedented.” James A. Wood, *op. cit.*, p. 36

<sup>277</sup> “Constitución Política de la República de Chile”, in Letelier, *op. cit.*, vol. XVI, pp. 284-294

<sup>278</sup> “Acta del Voto de la Honorable Asamblea de Coquimbo”, in Letelier, *op. cit.*, vol. XV, pp. 218-220

democratic regime capable of balancing the interests of the center with those of the provinces, but –above all—[a regime] that could avoid the ‘arbitrariness of capitalism and despotism’”.<sup>279</sup> In many senses, however, the change was a mere terminological formality. Important aspects of the federal Project of 1827 were incorporated and perfected in the new Code. The 1828 text preserved the Provincial Assemblies and maintained their powers (election of Senators, proposal of the provincial intendant) while the governor was to be chosen by the members of the Municipality, who were themselves elected directly by the people. It also maintained the universalist approach towards citizenship, for whose acquisition neither literacy nor patrimony were necessary requisites. The *mayorazgos* were abolished and the people possessed ample electoral powers. In a word, this was a liberal-democratic constitution that exhibited a moderate or ‘regulated’ federalism, while remaining opposed to the centralist and despotic state-building plan of the mercantile and conservative elite of Santiago. This constitution thus resolved in a balanced way the power struggle between centralism and localism. The ‘local or provincial axis’ (Municipality – Assembly – Senate) was counterbalanced by the general powers conferred to the central government: the Chamber of Deputies as well as the President and Vice-president of the Republic were appointed by national ‘electors’. The governability of the nation was thus secured while at the same time respecting the autonomy of the *pueblos*. In an account by Barros Arana, “the Constitution, which was sent to all provinces, was received with the greatest demonstration of contentment, it was recorded in minutes and documents which revealed the hope that this code would be the instrument of peace and national prosperity.”<sup>280</sup>

For all the above reasons, the thesis defended by social historian Gabriel Salazar, which he synthesized as follows, seems altogether plausible:

“If we compare the *political principles* held by ‘los pueblos’ in the Congress of 1823 (before their distortion by Egaña in his constitutional text) with those expressed through the articles of the Constitution of 1828, it is possible to conclude that the latter came to formalize those same principles after five years of continuous struggle, thus culminating in what the ‘revolution of the pueblos’ –initiated by the end of 1822— had set itself to achieve.”<sup>281</sup>

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Despite the elitist character of the Chilean revolution, an important segment of the creole elite started a second or internal revolution in the name of the immemorial *Derecho de los Pueblos*, participative democracy and federalism, a local imaginary that significantly deviated

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<sup>279</sup> Salazar, *op. cit.* 2005, p. 317. The expression ‘arbitrariness of capitalism and despotism’ was used by the deputy of La Serena, José Miguel Solar.

<sup>280</sup> Barros Arana, *op. cit.*, vol. XV, p. 195

<sup>281</sup> Salazar, *op. cit.* 2005, p. 326



from the elitist interpretation of the revolutionary ideology represented by the centralist-authoritarian government of Bernardo O'Higgins. The republic was not a self-evident idea anymore: it was an ideological place in dispute.<sup>282</sup> And once the dispute started, a polarization within the Chilean intelligentsia took place. The romantic enthusiasm towards the revolutionary ideology that united intellectuals and politicians during the early years of the republic was over. Pure speculation in the language of republicanism seemed powerless in face of the clash of entrenched traditions and interests, each with its own state-building project. How would these struggles end?

### 13. The revolution of 1829 and the Portalian state: Militarism and mercantilism

“The Constitution of 1833 is the result of the triumph  
of one social state against another social state”

Julio Bañados (1891)

“The institutions [of 1833] were not so much a subtle play of reason but the expression of  
conservative and aristocratic interests, ideals and sentiments.”

Sergio Villalobos

We have been examining the various facets of the intricate Chilean trajectory to political modernity starting in the transitional year 1810. As a reaction to twelve years of centralist and despotic regimes, the provincial *pueblos* initiated in 1823 what would become a six-year long social movement, nurtured from indigenous traditions but carried out under the banner of modern liberal-democratic principles. The Political Constitution of 1828 –“indisputably, the best constitution given to or proposed in Chile”<sup>283</sup>— seemed to represent the consummation of this popular movement. This new order evidently was detrimental to the interests of the conservative elite of Santiago and it contradicted their deep-seated colonial habits. Would this elite sit back and watch the consolidation of such liberal and democratic state? It is now time to identify the military, economic and ideological factors that contributed to the final outcome of the founding period we have considered thus far in our case study.

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<sup>282</sup> María José López & José Santos Herceg (eds.), *Escritos Republicanos*, Santiago: LOM Ediciones 2011, pp. 9-23 (introduction by the editors)

<sup>283</sup> Barros Arana, *op. cit.*, vol. XV, p. 196

Towards the end of 1828 Pinto, acting on the advice of his minister Ruiz Tagle, promoted General José Joaquín Prieto to general and commander of the army of the south to provisionally replace José Manuel Borgoño as he was ill. The decision would have fateful consequences, as we will see. Prieto was an O'Higginitist and his promotion would also open the door to power to his cousin captain Manuel Bulnes.<sup>284</sup> Both had close connections with the Santiago aristocracy. For the first time since independence, the National Army –until then in the hands of liberal figures—fell under the influence of the oligarchy. Only the smallest of excuses was needed for it to rebel against the prevailing liberal order. And the opportunity came along in the following manner.

As stipulated by the constitution, in June 1829 elections of national and provincial representatives, deputies and senators took place and gave liberals an overwhelming triumph. In July Pinto presented his resignation for health reasons before the newly created Permanent Commission, which resulted in the Commission appointing the liberal Francisco Ramón Vicuña as the provisional Head of State. When the presidential and vice-presidential elections of that year took place, the retired General Pinto became the clear winner out of 9 candidates. The problem that triggered the revolution, however, happened in the vice presidential election. Theoretically the winner should have been the first runner-up, Francisco Ruiz-Tagle, or the second runner-up, General José Joaquín Prieto, both conservatives who belonged to the aristocratic elite of the capital. But the congress, dominated by liberals who argued that no vice-presidential candidate had a clear majority, selected Joaquín Vicuña even though he was the third runner-up. (It is important to consider that Articles 72 and 73 of the Constitution established that in the case that none of the candidates achieved absolute majority the vice-president should be elected by Congress). This was enough of an excuse for the conservative oligarchy to rebel.

Due to the election of Joaquín Vicuña and on the grounds of violating the constitution, *Pelucones*, *O'Higginitas*, and *Estanqueros* banded together and organized a rebellion against the state with the help of the Army of the South. It was a coup d'état. The 1829 military and political offensive launched by the oligarchy meant the end of the process we have been calling the democratic revolution of the *pueblos*. In this way, all anti-democratic and anti-liberal factions converged in a common plan: those who wanted a return of a centralist and authoritarian government such as O'Higgins, led by Rodríguez Aldea, O'Higgins' ex-minister; those politicians who since the 1810 revolution had been longing for a colonial restoration, led by the *pelucones*; those who had obstructed from congress the federalist-liberal reforms, such as Juan Egaña and later Ruiz Tagle; and those merchant-capitalists who had consistently attacked the liberal-*pipiolo* bloc, led by the *Estanqueros* Portales, Cea and Gandarillas, amongst others. In this climate

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<sup>284</sup> José Joaquín Prieto (1786 - 1854) was a Chilean military and political figure. He was twice President of Chile between 1831 and 1841. Manuel Bulnes Prieto (1799 – 1866) was, too, a military and political figure. He followed Prieto as President of Chile between 1841 and 1851.

of virtual civil war, Pinto and Joaquín Vicuña presented their resignations thus leaving the country at the mercy of the insurrection army in the south, the rebellion of the Assembly of Concepción, and the conspiracies of the capital. Francisco Ramón Vicuña once again assumed first office.

The crimes committed during the 1829-30 civil war would stain Chile's founding transition to democracy and in time reveal themselves to be significant and decisive for the future history of Chile. They inaugurated a tense and contradictory relationship between democracy and the military in this country. Although it's true that the military has played an important role in the process of state building in many nations around the world,<sup>285</sup> my task here is to characterize the specifically Chilean case, from which a rather somber diagnosis in this respect may be drawn.

The oligarchic conspiracy was led mainly by Rodríguez Aldea, who had already been in contact with the *estancieros* Gandarillas and Cea, amongst others and who now had been designated senator by an Assembly of Concepción dominated by O'Higginsists, great merchants and Prieto supporters.<sup>286</sup> In the long and interesting letter written by Rodríguez to O'Higgins, in which he reveals intimate aspects of the 1829 revolution, he reports that the conspirators tried to make contact with Ramón Freire in order to win him over to their cause. Later on Freire was offered that if Vicuña handed over the command to him the political climate would immediately calm down, but Freire declined.<sup>287</sup> Simultaneously additional troops were financed in an attempt to strengthen the military forces of the reaction. From the south Manuel Bulnes led the revolutionary army and camped in a place close to Santiago, near Rancagua, which became the headquarters of the conspirators. Men such as Rodríguez Aldea, Diego Portales and Manuel Rengifo regularly went there in order to "give direction to that movement... they gave the revolutionary camp a very considerable moral power. These auxiliaries brought also for the army another indispensable element... money."<sup>288</sup> From this moment onwards, Portales began taking over the leadership of the movement. In Vicuña Mackenna's words, Portales made his entrance to politics by joining the 1829 revolution with no fixed public principles, and no more knowledge of political science than what his own sagacity dictated.<sup>289</sup> His alliance with general Prieto displaced that which had existed between Rodríguez and O'Higgins. It represented the joint interests of the Santiago and Concepción oligarchy, in the name, of course, of 'national unity'.

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<sup>285</sup> See as a reference for this general theme, Kees Koonings and Dirk Kruijt, eds., *Political Armies: The Military and Nation Building in the Age of Democracy*, London: Zed Books 2002

<sup>286</sup> Salazar, *op. cit.* 2005, p. 338

<sup>287</sup> Letter of J. A. Rodríguez Aldea to Bernardo O'Higgins in early 1831 under the title "Sucinta idea de lo que ha ocurrido en Chile", in Benjamín Vicuña Mackenna, *Don Diego Portales*, Valparaíso: Imprenta El Mercurio 1863, document No. 1

<sup>288</sup> Barros Arana, *op. cit.*, vol. XV, p. 308

<sup>289</sup> Vicuña Mackenna, *op. cit.*, chapter I

Through the (well paid) Urriola, a number of people were recruited for the revolutionary cause from the Maule and Colchagua provinces. A truly mercenary army was thus constituted. On the 7<sup>th</sup> of November the *estanquero* Gandarillas –who through his newspaper *El Sufragante* had systematically attacked the liberal regime of Pinto— organized in Santiago a ‘popular assembly’ in the main hall of the *Consulado*. Gandarillas read aloud a minute he himself wrote in which he proposed the appointment of a Governing Junta to replace the constitutional government. The minute was signed by “twelve *notables*, amongst whom were *mayorazgos*, wealthy merchants, and high functionaries of the public administration. It was the cream of the [Santiago] elite.”<sup>290</sup> Immediately thereafter a commission, hotly pursued by a mob, went to the governmental palace in order to inform Vicuña of the situation and to ask for his resignation. Vicuña, for security reasons, withdrew to Valparaíso. It was under these (anarchic) circumstances that the new *Junta* was imposed. Nevertheless, the constitutional army, camped in Tango, refused to recognize the subversive Junta and so the country remained at the mercy of two armies.

General Francisco de la Lastra, who had served as First Supreme Director of Chile in 1814 and who had now taken the lead of the liberal Army as well as of the state in the absence of the temporary president Vicuña, initiated a series of talks with the subversive army of Prieto and Bulnes at their new camp site in Codegua, aiming at the possibility of solving the conflict in a peaceful way by respecting the constitutional order in force. General Prieto, however, was not willing to negotiate and no agreement could be reached. That is how on the 14<sup>th</sup> of December Lastra and Prieto’s forces went into battle at Ochagavía’s farm, only five kilometers away from the capital. In this battle Prieto’s infantry was forced to retreat and Bulnes’ cavalry was dispersed. Realizing his disadvantageous position, Prieto devised a plot which can only be regarded as treacherous: he would meet with the victorious general Lastra on the latter’s territory to speak of reconciliation. Prieto would then proceed to invite him and his officers to rest and converse in the nearby houses of Ochagavía. Once there, the victorious general and his men found themselves surrounded by Prieto’s officers and were taken prisoners. Even Barros Arana, when describing these events called them (though reluctantly) of “great perfidy”.<sup>291</sup>

After the ‘pact’ of Ochagavía, whereby President Vicuña was dismissed and the democratically elected congress fell in obsolescence, an agreement was signed in Santiago by which both armies submitted to the orders of Ramón Freire, who was also entrusted the political command of the country until the call of new elections. *Pelucones* and *pipiolos* –conservatives and liberals— had approached the respected man on several occasions over the past months in order to attract him towards their camps, but Freire did not side either with the Government of Vicuña nor with the oligarchic conspirators. Now again he found himself in an uncomfortable

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<sup>290</sup> Salazar, *op. cit.* 2005, p. 342

<sup>291</sup> Barros Arana, *op. cit.*, vol. XV, p. 325

position, this time between two armies. For seven years he had headed the socio-political movement of the *pueblos* but this time he seemed estranged from the main political forces of the day.

With Freire almost neutralized and the liberal order of the 1828 Constitution suspended, the *pelucones* were certainly in a favorable situation, but there still remained a way to go. The country was on the eve of a new election of Congress and President. Would they stick to a democratic-political path? A conservative triumph was unlikely, not so say straightforwardly impossible. Treachery and war had to continue.

For the election of the new junta (which would replace the temporary, designated one) a fraudulent electoral system was designed according to which only those individuals previously invited to come to the ballot box could vote. In Barros Arana we read that this was done allegedly in order to “speed up the election” but the historian also observed that the invitation notes were “no doubt distributed more profusely among friends than among adversaries”.<sup>292</sup> José Tomás Ovalle, Isidoro Errázuriz, and Pedro Trujillo were elected, all of them members of the *Pelucón* Party. Meanwhile, General Prieto had refused to hand over the leadership of his army to Freire thus violating their agreement. With no prior notice on January 17, 1830, Prieto entered Santiago and occupied the main square. Quickly, the fraudulently elected *Junta* designated him Chief of all the Army. Freire, outraged, withdrew to Valparaíso and together with colonel Tupper began a movement for reestablishing the broken constitutional order. Once in power, the conservative Junta had not only dissolved through decree the Council of Santiago and named a municipality composed of twelve *rejidores*, but also universalized the deceitful electoral system previously used in order to elect a Congress of Plenipotentiaries. This Congress demanded that Freire recognize its authority, but he refused in the strongest of manners, referring to the congress as the “work of a *secret club* of revolutionaries, destroyers of the Republic”.<sup>293</sup>

This constellation of events was the backdrop of the Battle of Lircay. It is not important to enter here into a detailed description of the battle itself. It is enough to say that on the 17<sup>th</sup> of April 1830 near the city of Talca the constitutional army comprised of 1.700 recruits led by Freire was completely defeated by Prieto and his 2.200 strong army. More than six hundred soldiers died, most of them liberals. The Battle of Lircay should not only be regarded as the military outcome of a crescendo of hostilities between the *pipiolo* group and the *pelucones*. In Lircay the revolution of the *pueblos* suffered its deepest defeat. War was here used to annihilate a family of practices, institutions and ideals closely connected with a centuries-old customary law that had been politically dominant between 1823 and 1829, which we have identified as the ‘democratic moment’ of Chile’s republicanism. These political habits were pervasive around the country and deeply rooted in the political structures of the day. They truly constituted a

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<sup>292</sup> *Idem*, p. 355

<sup>293</sup> Letelier, *op. cit.*, vol. XVIII, p. 318

*collective imaginary*. And it was this popular-democratic political imaginary that was the target of the subversive armies at Lircay.

The consequences of the 1829-30 civil war has to be considered at two levels. It opened the door to a form of practicing democracy in Chile for the next two centuries which visibly distorted the original sense this term had in the imaginary of the people, and which is responsible for the cyclical legitimacy crises that have affected the political system since then. Secondly, it succeeded in almost completely eliminating the aforementioned imaginary, this pre-1830 world, from the collective memory of Chileans. Of course accomplishing this required, after Lircay, additional efforts. That is why I will now offer a general characterization of the great 'work' of the winners of Lircay: the so called Portalian state (or order), named after the famous minister Diego Portales.

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Vicuña Mackenna has spoken of the 1829 revolution as a profound reaction: a *colonial* reaction (at its forefront he names the clergy Meneses), a *dictatorial* reaction (Rodríguez Aldea and the O'Higinists), a reaction of *principles* (the jurist Mariano Egaña), and an *aristocratic* reaction (*mayorazgos*, noble families, *pelucones*).<sup>294</sup> As we have already seen, the *estancieros*-merchants were able to coordinate these different groups, contribute with money and give direction and momentum to the revolution. Despite this multiplicity of actors, the conspiracy play was directed by ex-minister Rodríguez Aldea, Diego Portales the merchant and General Joaquín Prieto. Together they constituted the core of the reaction –a truly 'secret club' to use Freire's expression. After Lircay they set to rebuild the Republic on the ruins of the previous order, that is, *against* the democratic practices and institutions of the *pueblos*.

How was this done? Briefly sketched, from the end of 1829 to 1837, the following dictatorial and fraudulent measures and practices laid the foundation of the new order: a) As we have already seen, the temporary Junta had dissolved the *cabildo* of Santiago and instituted a municipality with a new group of functionaries. This practice of 'destruction and reconstruction' would gain huge dimensions from then on; b) By means of the same fraudulent electoral system, Francisco Ruiz Tagle was elected President and José Tomás Ovalle as Vice-president of the Republic. As members of the traditional aristocracy (a *mayorazgo* and an hacienda owner, respectively), they were utilized by Portales and his 'club' during the first months after the coup for masking the truly dictatorial government that was about to be established. When Ruiz Tagle showed some resistance to follow orders (his refusal to remove from office ministers of the Supreme Court), he was forced to resign; c) The removal of judges;

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<sup>294</sup> Vicuña Mackenna, *op. cit.*, chapter I

d) The repression of the press by accusing and punishing “slandorous or seditious paper”.<sup>295</sup> Among many journalists and jurists, José Joaquín Mora –main writer of the liberal 1828 Constitution— was arrested and expatriated to Peru for this reason; e) The establishment of a police state in which citizens had to show a ‘passport’ and provide detailed information to the local governor in order to enter or exit any *pueblo* of the Republic; f) The creation of the so called *guardia nacional* or *guardias cívicas* (or ‘national guard’ or ‘civic forces’), led by individuals from well-to-do families and composed of soldiers from the working classes. These were military bodies alternative to the regular Army and were used to control antagonistic political movements and uprisings; g) The dismissal of liberal military officers for their refusal in recognizing the ‘sovereignty’ of the Congress of Plenipotentiaries; including the generals Borgoño, Lastra, Calderón, Las Heras and a number of colonels and lieutenants. Meanwhile, colonel Bulnes –Prieto’s cousin—was promoted to General; h) After the forced resignation of Ruiz Tagle, Ovalle assumes the presidency and once in power converts Portales into a powerful tri-minister (Interior, Exterior, War). Due to Ovalle’s manipulable personality, Diego Portales becomes in practice the most powerful man in Chile; i) In May 1830 Portales sends Ramón Freire, the principal liberal leader of the previous decade, into exile to Peru. Also, ignoring the Treaty of Cuzcuz, the Portalian regime dismissed all colonel Viel’s liberal soldiers sending some of them to prison and Viel himself into exile; j) The Isle of Juan Fernández became the place where a number of opponents of the regime were sent and kept as prisoners. (Some years later Portales was going to build transportable cages, a new prison system located between Santiago and Valparaíso); k) On the 7<sup>th</sup> of May of the same year, Congress resolved in ‘secret session’ that “the Executive is authorized to exile [‘destinar’], within or without the Republic, the prisoners of don Ramón Freire’s division. *This authorization extends over any other individual that [the Executive] deems necessary in order to maintain order and public tranquility of which it is in charge.*”<sup>296</sup> These ‘secret laws’ gave a green light to the government to do whatever it judged ‘convenient’ to prevent the country from ‘disorder’ thereby legalizing dictatorship; l) The government, with Congress’ complicity, organized a secret police service destined to spy on liberal groups and potential conspirators. The financing of these secret forces with state funds was a practice that lasted for over thirty years<sup>297</sup>; m) The absolute despotism achieved through the ‘extraordinary powers’ of the executive and the suspension of the 1833 Constitution (in 1833-34 after the revolution nicknamed ‘*revolución de los puñales*’ or *fisticuff revolution*) and later on through the ‘*leyes marianas*’ or terror laws (in 1837 after the subversive attempt of Freire and other important *pipiolo* leaders) which left government –that is, Portales— with absolute powers for acting against the rebels; n) The creation of ‘permanent war councils’; o)

<sup>295</sup> Barros Arana, *op. cit.*, vol. XV, p. 434-435

<sup>296</sup> *Idem*, p. 421, (italics are ours)

<sup>297</sup> Salazar, *op. cit.* 2005, p. 390

Taking the lead from the governing 'style' of the central powers, regional intendants and governors began acting outside the law.<sup>298</sup> This also led to the pursuit and exoneration of hundreds of public functionaries, opponents to the government. This arbitrary local authoritarianism became a central feature of the Chilean state into the twentieth century; And p) as a direct consequence of the latter, the structural basis of what we have identified here as the 'democratic imaginary' (*cabildos* and Provincial Assemblies) was wiped clean.

Such a transgression of norms and civic values was unprecedented. It severely violated the rights and guarantees of citizens, in particular those who had a democratic and liberal affiliation. It was the brute pragmatism of a factual power. Most of the chroniclers of the nineteenth-century were of the opinion that the 1829-30 revolution entailed the destruction of Chile's well-rooted *civic culture*. According to José Victorino Lastarria, for example, "It was the first civil war that had stained the history of Chile after its independence: through it, despotism too became enthroned with its familiar entourage of slander, hypocrisy, and impassivity to reject the fundamental principles of civic life, substituting them with errors and sophisms."<sup>299</sup>

In 1831, Prieto –the victorious General of Lircay— becomes President of Chile, an office that he will keep until 1841. (Manuel Bulnes, the other winner at Lircay and Prieto's cousin, was going to continue the Portalian 'work' by becoming President for another decade, 1841-1851). But in reality, Prieto and the Congress were the puppets of one man: Portales. Since the end of the 1820s, as minister he had polarized the Chilean political process, bribing and conspiring against Freire's citizen army of Freire, forming a mercenary army at the head of which he put a treacherous general, launching a deathly repressive policy against peons and vagabonds, on the one hand, and exonerating literary men and public functionaries, on the other. Governors and intendants would replicate his methods. Every citizen was under his watchdog eye. As expected, this triggered a profound discontent among the people. Conspiracies and subversions against the minister and his government proliferated. But Portales reacted. The last liberation attempt undertaken by Freire unleashed his rage and the years 1836-37 became known as the biennium of terror: in external politics, he declared war against Peru; internally, he waged an all-out war against all rebels in the country, endowed with absolute powers by Congress. Killing in the name of national interest or as *raison d'État* became a frequent practice, one which was completely unknown until that point in Chile's republican history.

In January 1837 a mutiny erupted in the provinces of Colchagua and Maule involving various well-to-do liberal families of the region in reaction to "the dictatorial attitude of the intendant Antonio José Irisarri and the violence with which soldiers were recruited from farmers"<sup>300</sup>. It is worth reminding the reader that in a previous chapter I discussed Irisarri, from

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<sup>298</sup> *Idem*, p. 431

<sup>299</sup> José Victorino Lastarria, *Diego Portales. Juicio Histórico*, Santiago: Imprenta de La Democracia 1896, p. 39

<sup>300</sup> Salazar, *op. cit.* 2005, pp. 402-403



a theoretical angle. There we reviewed the arguments on which he based his anti-democratic stance and his advocacy, around 1818, of a strong and authoritarian government on a ticket of 'social liberty'. After a period spent abroad, Irisarri returned to Chile in 1835 and was appointed governor of Curicó and the following year Colchagua's intendant. He was a close friend of Portales. These historical facts bear witness to his early republican discourse moving him in the direction of the Portalian order. What happened in January 1837, as I was saying, is that Irisarri's spies detected the plot against him. As punishment, several neighbors were sent to jail and then –through a sentence issued by the Permanent War Council—executed by firearm.

The news of this last execution shook the country to its core. It was, so to speak, the straw that broke the camel's back, and would lead Portales to his own death. It is not necessary to enter into an account of this tyrannicide. Colonel José Antonio Vidaurre, a military officer who held changing political ideas but who was sick of the government's abuses, led a failed insurrection in June 1837 that culminated in Portales' assassination. The War Council gave the perpetrator of the crime, Vidaurre, together with Florín (his accomplice), an exemplary and brutal punishment. After they were beheaded their heads were mounted on a pillory and exhibited in a place where all the inhabitants of the city of Quillota could see them.

In this symbolic fashion, the myth around the figure of Portales as the greatest political hero in Chile's history was created, while at the same time burying the cause of democracy and freedom. In reality, the new Portalian order had from the start begun a process of self-legitimation, justifying its actions in the name of 'the nation' and the 'public order', and exalting certain qualities ('impersonal authority'), in a rhetorical move which was intended to leave well established in public memory a mental association between traditional civic and democratic values of the *pueblos* and the supposedly anarchic state of affairs experienced during 1823-29. Freire's exile had an important symbolic charge too: it was allegedly done "for the security of the country" and "to end at last support for the anarchists".<sup>301</sup> Some decades later a series of nineteenth-century historians –notably Diego Barros Arana and to a lesser extent also Miguel Amunátegui and Benjamín Vicuña Mackenna, amongst others— concluded the work, now purportedly on scientific grounds, by praising and even glorifying the deeds of Portales and the rest of the national 'heroes' who took part in the events narrated above.<sup>302</sup> This is the source of the myth of the 'political greatness of the nation', that is, the deification of the Portalian order.

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<sup>301</sup> Letelier, *op. cit.*, vol. XVIII, pp. 344-345

<sup>302</sup> Barros Arana, *op. cit.*; Vicuña Mackenna, *op. cit.* Miguel Luis Amunátegui, *La Dictadura de O'Higgins*, Santiago: Imprenta Barcelona 1914

How can we make sense of the 1829 reaction and the imposition of the new order in Chile? Social historian Gabriel Salazar speaks generally of a 'mercantile-centralist' conception of the state the roots of which in his view are found, in particular, in Santiago's eighteenth-century mercantile elite. From this perspective, the 1833 Political Constitution and the characteristics of the conservative groups that sustained it are, to great extent, a historical offspring of the colonial period, in particular of the new political and economic configuration that the eighteenth century brought to the Spanish colonies. As we saw in chapter 10, the development of a royal bureaucracy in Hispanic America, together with the commercialization of the region, helped to create a colonial bourgeoisie. Towards 1750 the Spanish kings promoted the opening of new commercial routes, reducing bureaucratic control over the great trade networks they had associated with.<sup>303</sup> Under these favorable circumstances, the colonial elites –and this is particularly true in the case of Chile— opted for maximizing the benefits derived from the inter-colonial market. For this reason, towards the end of the eighteenth century, the attention of the Chilean elite clearly moved away from the old habit of buying nobility titles and concentrated increasingly on taking control of colonial administrative and political positions through which they could influence the colonial commercial government, that is, the traffic of merchandise within the Viceroyship between Lima, Santiago, Tucumán, and Buenos Aires.<sup>304</sup> The growing interest of the Chilean elite in occupying such administrative positions and public functions carried with it a devaluation or loss of prestige of council offices (*'oficios concejiles'*, the positions which were historically linked to the productive communities) and this in turn to *the emergence of a brand new conception of state and sovereignty*. According to Salazar, "the tendency of controlling the colonial commercial government led to conceiving a 'national' state but where 'the' national was derived from the utilitarian limits of the wide regional market (viceroyship), rather than from the narrow 'productive countries'..."<sup>305</sup>

The independentist movement of 1810, as already pointed out, although an affirmation of the unity of the Chileans *vis-à-vis* the Spaniards, triggered at the same time an internal division of political (republican) self-understandings. From this perspective, it becomes clear that the ideological battle between *pipiolo*s and *pelucones* went hand in hand with an important economic factor. Whereas the liberalism of the 1820s and in particular the federalist movement (with its project of a democratic, decentralized state) corresponded to the political scheme of the *productive pueblos*, authoritarian and centralist political tendencies were inextricably linked with 'the' commercial *pueblo* of Santiago and its mercantile elite: its *letrados*, politicians and importantly its businessmen who, like Portales, became actively involved in political activity.

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<sup>303</sup> John Leddy Phelan, "Authority and Flexibility in the Spanish Imperial Bureaucracy", *Administrative Science Quarterly* 5, 1, 1960, pp. 47-65

<sup>304</sup> Jacques Barbier, "Elites and Cadres in Bourbon Chile", *Hispanic America Historical Review*, 52, 3, 1972, pp. 417-418

<sup>305</sup> Salazar, *op. cit.* 2005, p. 81

Although liberalism dominated the third decade of the nineteenth century, conservative groups were never really far from power. "...during the entire period between 1817 and 1830, the posts of superintendent of the *Casa de Moneda (the Mint)*, Customs, the fiscals of the *Caja de Descuentos*, the ministers of the Supreme Court and the Treasury, the administrators of the *Consulado* and others, were mostly occupied by functionaries belonging to this or that family of the mercantile oligarchy itself."<sup>306</sup> During the 1820s the leaders of the liberal-democratic revolution of the *pueblos* occupied the new structures of the national state (provincial assemblies and the congress) but they had to work together with the mercantile oligarchy which was operating through the old colonial bureaucracy.

Already in colonial times, Santiago was the central branch of the Spanish Empire in Chile. All the main royal institutions, such as the *Gobernación*, the *Capitanía General*, the *Real Audiencia*, had their headquarters in this city. Santiago was an unusual *pueblo* for even the council was considered by the patrician class as just *another* imperial authority. Santiago was not a port (like Valparaíso), nor a mining center (like the Northern *pueblos*), nor an agricultural productive region (like the Southern region). Instead Santiago was a pole of commercial and financial development and its hegemony owed to its strategic central geographic position and its being the seat of political and administrative imperial institutions. Against this historical circumstance Salazar argues, Santiago's elite "could not but conceive the 'national' state as the legal and coercive instrument of mercantile-financial capital... the great creator, generator and sculptor of society, with exclusion of the citizenry and popular sovereignty."<sup>307</sup>

Diego Portales, the so called 'great constructor' of the Chilean state and 'intellectual father' of the 1833 political constitution, belonged to this tradition of new merchants. His grandfather was a merchant of the Colonial elite and had occupied a position in the *Superintendencia de Moneda* (a mercantile office), a position later taken over by his father. None of his family was ever a producer (in agriculture, mining or manufacturing) neither did they fulfill functions for the council of Santiago (local republican traditions). Himself an unsuccessful businessman, Portales became the articulator and executor of the ideal of the 'national' and mercantile state, an abstract notion in tension with the local political tradition of the *pueblos*. As we will see in more detail below, at that time Chile was divided into fifty local communities so there was no strong 'national' sense of unity and therefore the idea of a 'Nation' –as it was used by Portales and the authors of the 1833 constitution following the constitutional tradition since 1818— sounded artificial and abstract. What they did conceive was the sovereign construction of a federal state, where power was delegated from the bases.

It is no secret that Portales viewed democracy with mistrust. In 1822, when the authoritarian regime of O'Higgins was in decline and the democracy of the *pueblos* re-emerged

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<sup>306</sup> Salazar, *op. cit.* 2005, p. 527

<sup>307</sup> *Idem*, p. 520

under the leadership of the liberal Freire, he wrote in a famous letter the following lines to a friend:

“Politics doesn’t interest me, but as a good citizen I feel free to express my opinions and to censure the government. Democracy, which is so loudly proclaimed by the deluded, is an absurdity in our countries, flooded as they are with vices and with their citizens lacking all sense of civic virtue, the prerequisite to the establishment of a real Republic. But monarchy is not the American ideal either; if we get out of one terrible government just to jump headlong into another, what will we have gained? The Republican system is the one which we must adopt, but do you know how I interpret it for our countries? A strong central government whose representatives will be men of true virtue and patriotism, and who thus can direct the citizens along the path of order and progress.”<sup>308</sup>

Portales appears thus not only as the inheritor of eighteenth-century colonial mercantilism but also of imperial authoritarianism, under its eighteenth-century absolutist form.<sup>309</sup> Immediately after the 1810 political transition the old clash between the two sovereignties, the universal and the local, became an internal affair, a political dispute with far-reaching consequences separated Chileans from Chileans. With its advocacy of an abstract sovereignty concept, this authoritarian-mercantile republican tradition was inevitably going to clash with the democratic-productive republicanism of the local communities and their concrete understanding of sovereignty. The tense years from 1822 to 1829 and the subsequent establishment of the Portalian state have to be seen as the culmination of a process of internal division that began –almost imperceptibly—right from the outset of Independence.

However, the previous considerations should not lead us to believe that there were only crude economic ‘interests’ involved here, for even behind eighteenth-century mercantilism it is possible to recognize the working of a modern social imaginary, that is, a new comprehensive and shared way of understanding social life. As Taylor has argued, the image of society as a place of collaboration and exchange is a typically modern form of social self-understanding whose roots can be found, too, in the Grotian-Lockean theory of moral order. According to this new notion of order, God governs the world following a benevolent scheme or plan, which is designed to produce mutual benefit:

“Emphasis is sometimes laid on mutual benevolence, but very often the happy design is identified in the existence of what one might call ‘invisible hand’ factors. I mean by this actions and attitudes that we are ‘programmed’ for, that have systematically beneficent results for the general happiness, even though these are not part of what is intended in the action or affirmed in the attitude. Adam Smith in his *Wealth of*

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<sup>308</sup> Quoted in John A. Crow, *The Epic of Latin America*, fourth edition, New York: University of California Press 1992, p. 641

<sup>309</sup> Vicuña Mackenna, *op. cit.* In the next section we discuss the figure of Portales as an enlightened despot.

*Nations* provided us with the most famous of these mechanisms, whereby our search for our own individual prosperity redounds to the general welfare. But there are other examples, for instance, one drawn from his *Theory of Moral Sentiments*, where Smith argues that Nature has made us admire greatly rank and fortune because social order is much more secure if it rests on the respect for visible distinctions rather than on the less striking qualities of virtue and wisdom. The order here is that of good engineering design, in which efficient causation plays a crucial role.”<sup>310</sup>

The *modern economy*, conceived as a place of profitable exchange of services, comes from this understanding of order as based on God’s design, a view contained in Locke’s *Second Treatise*. Now, in accounting for the rise of the economy as a crucial feature of our modern world, Taylor points to at least three underlying types of historical changes: economic ones (the increasing number of business classes, merchants, and later manufacturers in Holland and England couple with the realization by the governing elites that more exchange and production favored political power of states); political (the new social order demanded ordered and disciplined economic life for the masses, a process that became visible in some parts of Europe and in North-America); and purely spiritual changes (the rejection of the Catholic idea of higher vocations that led to the Calvinist sanctification of ordinary life – of production and reproduction).

Eighteenth-century mercantilism and the image of the economy as a metaphor of society reflect the fact that, at that time, the social imaginary was already being transformed by the modern idea of social order. This new economic mentality which emerged prior to the formation of a *public sphere* and the coming into existence of the modern *practices of democratic self-rule*, differed greatly from these, something which produced one of the greatest tensions intrinsic to the modern imaginary. Whereas in the public sphere and in our self-governing practices we imagine ourselves as collective agents, in the economy we are mere self-regarding individuals performing interlocking activities of exchange where the final result (e.g. social welfare) is commanded by ‘invisible’ forces or laws. “This is an objectifying account, one that treats social events like other processes in nature, as following laws of a similar sort. But this objectifying take on social life is just as much a part of the modern understanding, derived from the modern moral order, as the new modes of imagining social agency.”<sup>311</sup> This is what Taylor calls the modern bifocal grasp of society, which inevitably carries with it tension: “What for one school falls into the domain of an objective take on unavoidable reality may seem to another to be a surrender of the human capacity to design our world before a false positivity. The very importance given to freedom is bound to give rise to this kind of challenge. This sort of critique has been central to the work of Rousseau, and beyond him to Fichte, Hegel and Marx.”<sup>312</sup> This conflict between an economic ethos and a civic republicanism of freedom and self-rule is

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<sup>310</sup> Taylor, *op. cit.* 2004, p. 70

<sup>311</sup> *Idem*, p. 77

<sup>312</sup> *Idem*, p. 80

undoubtedly present in the struggles between the pragmatic merchant Diego Portales and the revolutionary *pipiolos*.

During Portales' political recess, the Constitution of 1833 was written and promulgated, a text which incorporated Portalian notions of political organization such as presidential authoritarianism and which set in practice a legal dictatorship, where the President became the great elector, appointing deputies, senators, judges, and intendants. These notions, as we have suggested elsewhere (chapter 12.1), present affinities with a line of Chilean republican thought that legitimized in some cases a 'strong executive' (Irisarri), in others the preeminence of an aristocratic-enlightened Legislative (Juan Egaña), and still in others an all-powerful President (Mariano Egaña), but in any case a Republic under elite rule. Camilo Henríquez, in his later writings, made no exception to this essentially anti-democratic, anti-popular ideological tradition. Despite these affinities, the joint work of the 'Great Convention', led by the Jurist Mariano Egaña and indirectly inspired by the pragmatic Portales, was something that conceptually went well beyond the philosophical speculations of the above-mentioned republican authors. It actually broke with this tradition by annulling all power by the people, that is, by going directly against the republican principle of self-rule, suppressing assemblies and *cabildos*, and by centralizing political and administrative powers in one person. The social, productive and political autonomy of the *pueblos* was followed by fragmentation of these local communities in favor of regional mercantilism and political centralism. It was an anti-popular republicanism now taken to its extreme by the force of brute mercantilist logic. According to Salazar and Pinto, "the great merchant had always demanded a *global order*, as wide as the circulation space of his merchandise. A central order that was draconian in eradicating larceny, piracy, smuggling, the breach of contracts, etc... an order with military, police support... a power-discourse, as it may be noticed, radically different to the *pipiolos*' discourse."<sup>313</sup> Whereas in colonial times that 'global order' coincided with the (Spanish) Empire, it was now circumscribed to the territorial limits of the (Chilean) Nation.

In line with such logic, Article No. 3 of the 1833 Constitution established that 'the Republic of Chile is one and indivisible' and No. 4 that 'sovereignty resides essentially in the Nation, which delegates its exercise to the authorities that establishes this Constitution.' It is apparent that 'nation', 'sovereignty' and the will to 'delegate' were abstract notions serving the interest of the Santiago aristocracy (the winners in 1830) and which had nothing to do with the real political physiognomy of Chile at that time. The concept of citizen, as defined in Articles 8-10, also exhibited no resemblance with the actual citizen of the time ('home owning neighbor'): citizenship was now defined not in terms of the belonging to a community but through general

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<sup>313</sup> Gabriel Salazar & Julio Pinto, *Historia Contemporánea de Chile I: Estado, Legitimidad y Ciudadanía*, Santiago: LOM 1999, p. 33

characteristics such as property, education, etc. The result was that only 6 per cent of Chileans over twenty-one years old were constitutionally authorized to be active citizens.<sup>314</sup> The 1833 state organized power vertically without grounding it in the citizenry; it was indifferent to the real social, political and economic circumstances and traditions of the epoch.<sup>315</sup>

Mercantilist indifference towards republican institutions explains also why the merchant Portales, unlike the jurist Egaña, was not particularly interested in writing a new constitutional text. At that time (1832-33) Portales had taken a break from politics, going back to his commercial activities. In a letter to his friend Garfias, he wrote: "I won't bother to follow the reform project. You know that no work of this kind is absolutely good or bad. But no one, not even the best, will have any use for it when the mainspring of the machine is broken."<sup>316</sup> The tri-minister had always been skeptical towards the true utility of laws and constitutions. A common place in history books is to characterize the Portalian order as 'impersonal', as the cult of the 'order in itself'. But nothing seems farther from the truth. Portales' regime was driven by pure personalism and partiality. Its despotism turned against constitutionality and legality and therefore against popular sovereignty. It was an 'order' without law, born of violence and contrary to the Chilean civic tradition. Not even the great conservative ideologue Mariano Egaña was taken seriously by the minister. In another letter to Garfias from the 6<sup>th</sup> of December 1834 Portales continued: "For myself I can say that with or without the law, when circumstances are extreme that lady called Constitution must be violated."<sup>317</sup>

In sum, the emergence of the Portalian state is not adequately understood if we adopt a unilateral ideological standpoint. Its intellectual history allows us to reconstruct some of its sources, such as the European individualist liberalism which is introduced into the 1818 and 1822 Political Constitutions under the O'Higgins administration, the (also European) aristocratic interpretation of republicanism worked out by Juan Egaña and contained in the 1823 'moralist' Constitution, as well as the 'presidentialist solution' of his son Mariano. But this picture would remain incomplete if we were not to consider the two additional 'factors' this chapter has treated: militarism and mercantilism. For at the end of the day, the triumphant historical actor of the constituent process of 1810-1833 was Santiago's mercantile oligarchy with its own intrinsic *logic*, which was antithetical to the *productive logic* of the provincial pueblos.<sup>318</sup> In the big picture, this conflict may be seen as symptomatic of the inherent tension that lies at the heart of the modern social imaginary between the 'ethos of commercial society' and its atomistic-objectifying view of human affairs, on the one hand, and the demands of de-alienation, freedom

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<sup>314</sup> Salazar, *op.cit.* 2012, pp. 75-81

<sup>315</sup> Valentín Letelier (ed.), *La Gran Convención de 1831-1833*, Santiago: Imprenta Cervantes 1901, pp. 336-348

<sup>316</sup> Ernesto de la Cruz & Guillermo Feliú Cruz, *Epistolario de don Diego Portales*, vol. II, Santiago 1936, p. 203

<sup>317</sup> *Idem*, vol. III, p. 378

<sup>318</sup> On this mercantile power logic see the classic treatise of Adam Smith, *An Inquiry Into the Nature and Causes of the Wealth of Nations*, Indianapolis: Liberty Fund 1981, especially books III, IV and V.

and self-rule, by an ‘ethic of civic humanism’, on the other. But how could this conservative and mercantilist oligarchy and its political project end up configuring the Chilean state and its modern political trajectory? As we saw, the *pipiolo* or liberal-democratic version of the Chilean political imaginary –in intimate relation with the productive economy and the neighboring-solidarity of the *pueblos*— was dominant towards 1830. *Pelucones* and related groups belonging to Santiago’s aristocracy knew all too well that only war could produce the political transformation they wanted. Militarism, symbolized in the Battle of Lircay, was the means by which the ‘founding clash’ was ‘resolved’ and maintained in the decades that followed.



#### IV. INFLUENCE AND CONNECTION BETWEEN EARLIER AND LATER IMAGINARIES

My broad historical thesis so far has been to suggest an intimate relation between the earlier *pueblos* imaginaries and present-day social movements in Chile. Having clarified in the core of the present dissertation the early imaginaries and showed the way they underlie the struggles of 1810-1833, I would now turn to the evidence in favor of the *prima facie* plausibility of this thesis. How did the popular-democratic imaginary evolve after 1830? How did it survive (if at all) after the progressive destruction of the traditional communities or *pueblos*? To what extent has it shaped the contemporary outlook of Chile's democratic culture? I think these questions are worth exploring in detail, so in what follows I am going to sketch out the influence and connection between the earlier and later imaginaries.

But before this, a reevaluation of the period we have been examining is in order.

##### 14. Portalian 'order' and nineteenth-century liberalism

We have pointed out the importance for O'Higgins and Portales (and their respective doctrinaires) of the argument that ordinary Chileans lacked civic virtue. It would seem that this elite feared the breakup of the state, virtually any state, if the *pueblos* were the basis of it. Was there any grounding in reality behind this fear?

There are many reasons to think that this way of looking at things was a gross exaggeration at best. First, let's look at the (negative) use of the concept of 'anarchy' by many classic Chilean historians for characterizing the period between the fall of O'Higgins in 1823 to the coming to power of the conservatives in 1830. There is wide agreement on the part of contemporary historians that this is an erroneous application of the concept based on mistaken perceptions combined with the intention of highlighting the supposedly orderly state of things brought about by Portales. Generally in Hispanic America, 'anarchy' referred to bloody conflict, crimes, abuses and military uprisings and a stage during which arrogant and irresponsible *caudillos* took control of government. In a word anarchy implied irrational impulses taking precedence over reflective intentions. But nothing like this happened in Chile during this period.

It is true that this period saw a succession of governments, congresses and constitutions. But otherwise, the climate was peaceful. There was an insignificant number of violent episodes. There were no political crimes and no exemplary punishments. A generous and forgiving

mentality reigned. Freire always demonstrated noble intentions, though also changing attitudes and a softness of character. During 1829 he let himself be manipulated by conservative leaders; his conciliatory character left him frequently in an uncomfortable middle-ground position, which ultimately diminished and took away his political influence. At the same time this period enjoyed a diversity of intellectual figures who were modest and well-intentioned, and included amongst them Juan Egaña, José Miguel Infante, Diego José Benavente, Francisco Antonio Pinto, and Manuel de Salas. And though the country had to face deep poverty, mainly derived from the exorbitant military expenses associated with liberation expeditions (for example, to Peru) and the maintenance of domestic armies, its origin certainly reached back to long before 1823. For all the above reasons, the way the concept of anarchy was used proves to be erroneous.

But let us now look at the problem from a different angle. Barros Arana remarked that the abrogation of the 1823 so called 'moralistic' Constitution, revealed "the scarce preparation of the country for the exercise of parliamentary life"<sup>319</sup>. But was this really the case? As I indicated earlier, this constitution suffered not only from legitimacy problem *of its origin* (the monopolization of the constituent process in the person of the conservative *letrado* Juan Egaña) but also its "own ideal perfection" –as Freire once put it— "could not be adapted to the customs of the inhabitants nor to generally received ideas"<sup>320</sup>, which really meant that its abstract complexity and moralism made it unpractical and in contradiction to both the popular imaginary of the *pueblos* ('the customs of the inhabitants') and the liberalism of the time (the 'generally received ideas'). In other words, a more plausible reason for the failure of the 1823 code seems to lie in its prescriptive conservatism and dissociation from the political imaginary shared by large segments of the population, rather than on a supposedly lack of preparation of the Chilean people for parliamentary life. In reality what we see occurring during this period is the rise of *two* state-building projects. On the one hand, there are those who believe in order and elite rule as the only practicable means of installing the Republic; on the other, there are others who attempt to realize the republican ideal by affirming the principle of democratic self-rule and freedom.

While it is true that there was a deeply entrenched local republican culture at the base of society, it is no less true that towards the 1820s and 1830s modern liberal and democratic ideals were ripening. Only in this sense is it possible to see some justification for the aforementioned fear of state breakup. But then the problem was not so much the *pueblos* as such (the vulgar lack-of-virtue argument), but rather a particular historical circumstance by which at that time the Chilean élite was still very much attached to the old colonial and monarchic past, as the 1829-30 reaction so clearly establishes.

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<sup>319</sup> Barros Arana, *op. cit.* vol. XIV, p. 306

<sup>320</sup> Letelier, *op. cit.*, vol. XII, p. 44

This reaction aimed to restore the old powers of the aristocracy and the Church and in a way implied the return of that old conception of society as a natural structure or given order in which each individual or sphere occupies a different hierarchical position and fulfills a specific function within the social whole. In place of the king, a government and its President came to exert power without constraints. Perhaps one should consider Portales the heir of enlightened despotism, the current which dominated in Europe during the second half of the eighteenth-century, and in which an incipient liberalism and modernism –an unstoppable force in Chile since 1810— was to develop within a rigorous ‘absolutist’ order with a dictator at the top. Was enlightened despotism really a necessity in Chile at that time? Historian Sergio Villalobos wrote,

“The practice of Enlightened Despotism often oriented the action of [Hispano American] rulers that came out of the period of Independence, since liberal ideals were deformed in the absence of a republican culture. Above all, the concept [of enlightened despotism] captured the general idea of subjection [‘adhesión general’] to the government, which the latter demanded for the achievement of its highest objectives. [The people] could express varied opinions on public affairs, but were not expected to dissent on fundamental issues nor were they permitted to form groups diametrically opposed to the government.”<sup>321</sup>

The legitimacy that O’Higgins’ despotic government enjoyed and in a lesser degree that of Prieto and Portales owes a lot to this colonial habit of general subjection to the sovereign.<sup>322</sup> But this has to be qualified by what we have said concerning the autarchic political culture of the *pueblos*. An important maxim in colonial Hispanic America was ‘*se acata pero no se cumple*’, which may be translated as ‘obey (or respect) the law but don’t observe it (or carried it out)’.<sup>323</sup> What might sound to be a negative notion denoting a custom of transgressing norms just synthetizes the axiom of a rich tradition of customary law, the *Derecho de los Pueblos* or Law of the peoples. As we saw earlier, the Habsburg kings explicitly had recognized the *fueros* and rights of ‘home owning neighbors’ and the autonomy of the community through the council. In other words, the Chilean people not only received from the colonial period the habit of uncritically subjecting itself to the sovereign, but also inherited a political culture of self-rule, that is, they possessed a *political will*.<sup>324</sup>

<sup>321</sup> Sergio Villalobos, *Portales, una Falsificación Histórica*, Santiago: Editorial Universitaria 1989, p. 213

<sup>322</sup> In a famous letter to Joaquín Tocornal in 1832, Diego Portales refers to this passive feature of the Chilean people: “The social order is maintained in Chile by the weight of the night... the general tendency of the masses to rest is the guarantee of public tranquility.” De la Cruz & Feliú Cruz, *op. cit.*, vol. II, p. 226

<sup>323</sup> For a comprehensive treatment of this see: Kathya Araujo, *¿Se Acata pero no se Cumple? Estudio sobre las Normas en América Latina*, Santiago: LOM Ediciones 2009

<sup>324</sup> In an article Julio Pinto explores the visions of the ‘plebeian’ sectors of Chilean society framed by the first two ‘Portalian’ presidencies. By examining official pronouncements and initiatives related to the so-called ‘lower orders’, he reconstructs the counterpoint between the ‘real’ people, normally both feared and repressed, and a fictional or desired people that would prove more pliable to Portalian notions of order and

The really interesting process to observe is how in the decades following Independence, the ‘democracy of the *pueblos*’ established a spontaneous alliance with modern liberal-democratic ideals, practices and institutions such as citizen rights and freedoms, limiting the power of government, trust in laws and constitutional rights, and representative democracy coupled with real participation at the local level. The 1828 liberal Constitution may be considered an early fruit of this alliance. But the time was not ripe enough for the consolidation of this republican freedom. In those days, popular sovereignty and electoral liberty were poorly assimilated principles—at least that’s what the concrete actions of the (less progressive wing of the) elite expressed. This explains the electoral interventionism and the ‘invitation notes’ (*esquelas*) during that early republican period. There was a tacit acceptance of these misinformed and pernicious practices.

All this represents the transitional stage in the political development of the Chileans from a pre-modern, colonial imaginary to a modern one.<sup>325</sup> Democratic developments –essentially ‘bottom up’— co-existed with an authoritarianism imposed from the top with its concomitant conception of the people as ignorant and passive receptors of sovereign decisions (enlightened despotism). Liberalism had come to stay, however, and these tendencies, as represented in Portales for instance, could only have a *conservative* flavor. The period between 1830 and 1837 were years that proved worse than a return to absolute despotism. It included not only the absolute power of the ruler and partiality and indifference towards the law, but also the suspension of the constitution, a weak parliament, lack of independence of the Judiciary, violation of individual civil rights and freedoms, persecution and brutal punishment of political opponents.

With Portales in power the clash between the two sovereignties, the monarchic-mercantilist, and the popular-democratic, reached a peak in its level of tension and conflict. After his death, governments would initiate a process of greater openness towards the liberal tendencies of the epoch. Persecutions and blunt violations of rights would end and the rule of law was reestablished. Manuel Bulnes’ government (1841-1851) approached the liberal-*pipiolo* elites in an attempt at reconciliation, a move which did bring greater internal peace to the

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progress. Julio Pinto, “¿La Tendencia de la Masa al Reposo? El Régimen Portaliano Enfrenta al Mundo Plebeyo, 1830-1851”, *Historia*, 44, II, (July-December) 2011, 401-442

<sup>325</sup> Taylor has spoken of a ‘long march’ through which the modern idealization of social order, as found in the theory of Locke and Grotius, advances and progressively transforms our social imaginary on every level. But in the early stages of the march, pre-modern and modern forms still coexist. “The very revolutionary nature of the consequences ensured that those who first took up this theory would fail to see its application in a host of areas that seem obvious to us today. The powerful hold of hierarchical complementary forms of life –in the family, between master and servant in the household, between lord and peasant on the domain, between educated elite and the masses—made it seem evident that the new principle of order ought to be applied within certain bounds. This often was not even perceived as a restriction. What seems to us flagrant inconsistency, when eighteenth-century Whigs defended their oligarchic power in the name of the people, for instance, was for the Whig leaders themselves just common sense.” Taylor, *op. cit.* 2004, p. 16

country. With this aim in mind, social alliances also took place, notably the marriage between Bulnes and Enriqueta Pinto, the daughter of his political rival Francisco Antonio Pinto and the sister of the future president Aníbal Pinto. The parliament, though weak in power, resumed its functions in a less submissive form of dialogue with the Executive. Out of an increasingly cohesive liberal camp, the Liberal Party was going to be born in 1849. Finally, in 1861 through an agreement amongst parties, the first liberal President José Joaquín Pérez comes to power. Soon thereafter and thanks to the formation of a liberal-conservative coalition, in 1871 Federico Errázuriz Zañartu takes power and some constitutional reforms are enacted, thus modifying for the first time the 1833 charter. The congress also gained power and control over the Executive, which contributed in securing citizen representation and public liberties (in particular press and electoral liberties). Towards the end of the nineteenth century, Chile's republican institutions gave the impression of strength and maturity.

What I have just described is an undeniable trend during the nineteenth century. And yet, every time this 'order' was perceived to be threatened, the political and military classes immediately reacted by boycotting and repressing the rebellious movement. What were they protecting if not the sacred 'Portalian order' or what Alberto Edwards called the '*Estado en forma*'? ("the fit State" by which we should understand a justificatory rhetoric device which accorded the Portalian institutions the status of something sacred or untouched and unsusceptible to criticism or reformation, let alone its overcoming).<sup>326</sup> In fact, during the years between 1849 and 1851 conflict began anew. It was the most natural thing to happen. After a decade or so of apparent harmony, the political imaginary of the *pueblos* under its liberal or *pipiolo* form reemerged in what became known as the *Club de la Reforma* and the *Sociedad de la Igualdad*, liberal associations aimed at resisting and counteracting the enormous power of the government and expanding citizen rights in order to have participation in political decisions.<sup>327</sup> It was a new generation's effort to resume the political path that had been abruptly interrupted in 1830. Behind these initiatives Francisco Bilbao and Santiago Arcos stood out.<sup>328</sup> The government took severe measures for repressing this movement (riot of Pedro Urriola, April 1851), recurring to the same old tools, violence and bloodshed. The conservative aristocracy felt threatened and consequently prepared the presidential candidacy of Manuel Montt, a truly Portalian figure, who was victorious and remained in power for the next ten years (1851-1861). Montt's triumph left it abundantly clear to liberals that there was no place for any non-

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<sup>326</sup> Alberto Edwards, *La Fronda Aristocrática*, Santiago: Editorial Universitaria 2012, pp. 76-79. First edition from 1928. Edwards took the concept of 'Estado en forma' from the German philosopher Oswald Spengler, who in turn took it from Hegel and his notion of 'Volksgeist'.

<sup>327</sup> Cristián Gazmuri, *El '48' Chileno: igualitarios, reformistas y radicales*, Santiago: Editorial Universitaria 1992, chapters II and III. Regarding the popular-democratic developments conducive to the formation of the *Sociedad de la Igualdad*, see: Wood, *op. cit.*

<sup>328</sup> Bilbao was an important leader of the Chilean socialist movement in mid-century, strongly influenced by the Paris commune, which he witnessed in person.

conservatives in government. This in turn triggered a civil war headed by José María de la Cruz, which terminated in the terrible slaughter of men in Loncomilla during December 1851. Manuel Montt together with his minister Antonio Varas signified a return to Portalian practices. Neither shied away from using extraordinary powers, such as states of siege, destruction of the opposition's press, persecutions and exiles and constitutional abuses. Absolutism regained its old strength. It was the sacred 'order in itself' that had to be and was rescued.

During the last years of the Montt administration, liberals kept pushing forward a political agenda demanding electoral freedom and constitutional reform. Throughout the country, many liberal associations were formed and newspapers like the *La Asamblea Constituyente* appeared. But the government was resistant to political change and willing to destroy any group which attempted to reform the constitution. Only rioting was left. The outburst began in January 1859 in Copiapó led by the miner Pedro León Gallo. In parallel various movements in different cities arose, but between them there was no national coordination or leader. The 1859 civil war ended with the Army defeating the rebels. But in reality this episode meant a defeat for the conservative forces in power; it was perhaps the last internal conflict within an absolute despotic framework. The old idea of a natural, fixed order that was untouchable and immutable was receding and in its place was emerging a more open society where dissent was permitted and legitimate, or at least that's what it seemed like at the surface of events. With Montt, the absolutism and brutality of the Portalian order seemed to be coming to an end.

1861 marks the start of the so-called Liberal Republic. Nonetheless presidential authoritarianism continued to be practiced in the liberal governments of Errázuriz Zañartu, Santa María and Balmaceda. It is as if the inclusion of the liberal camp in government and congress only helped to solve the internal chaos in the short and middle run while at the same time it re-legitimated the 1833 centralist order by giving it a liberal varnish.

In fact, the formation of the Liberal Party and then the Radical Party (1868) and the Democratic Party (1887) signified the *professionalization* of communitarian, underground political movements and their assimilation into the Chilean 'political class' which, together with the Conservative Party, formed the roots of a 'politics of representation' that was elitist and centralist and which set about to protect the interests of Santiago's elite and its political 'order'. In this sense, it is worth mentioning the interpretation offered by Arturo and Samuel Valenzuela with respect to the emergence of opposition parties in Chile:

"The opposition, including the Conservatives, then realized that they had no choice but to push for an expanded and freer suffrage if they were ever to succeed in preventing state elites from simply designating their successors by ensuring through electoral intervention the victory of the official state of candidates. The fact that even the conservatives had to resort to 'liberal' practices explains one of the most

extraordinary paradoxes of Chilean history –the alliance in the legislature as opposition forces of ultra-montane catholics and radical, even anticlerical liberals, both seeking, for different reasons, the fulfillment of enlightenment ideals. Clearly the Conservatives did not become democrats simply because of an ideological conversion. They correctly perceived that representative institutions were in their best interests and the only alternative they had once the military solution was precluded. They were forced to make the liberal creed their own, because they had lost ground to a new political class which had succeeded in gaining strength by occupying key administrative roles in an expanding state apparatus. In turn, the Chilean ‘moderate liberals’ who controlled the state apparatus were not acting irrationally when they resisted attempts to expand suffrage and maintain the intervention of the Minister of the Interior in the electoral process. Though many were committed to liberal ideals, they also held power and did not wish to allow the uncertainty of results stemming from fully free elections, especially given the misgivings over whether a government by their opponents would not apply the same electoral intervention techniques to preclude them from eventually returning to power.”<sup>329</sup>

It is, therefore, necessary to leave aside this elite-approach to Chilean politics and enter into a description of the subsequent development of the popular-democratic social imaginary – always in conflict with the new political classes and their politics of representation— if we want to obtain a comprehensive picture of Chile’s political culture and its development over time.

## **15. A digression on the Portalian state and its ‘republican phases’**

Historians and constitutionalists often view the Chilean Republic as evolving through a series of different phases. Following Cristi and Ruiz-Tagle, we may speak of an ‘Authoritarian Republic’, roughly from 1833 to 1871, followed by what they termed the ‘Liberal Republic’, culminating in the critical year of 1924. According to these authors, the regime that begins in 1833 is republican in form but authoritarian in practice. The President of the Republic is the holder of sovereignty and governs in a monocratic way. He has absolute veto on laws and can exert extraordinary powers. He determines the budget and the salaries of public officials; likewise, he appoints and promotes military officers and the Supreme Court. Provincial authorities such as intendants, governors and prefects are under the direct authority of the President. Candidates running for congress are also nominated by him. The Senate and the President are indirectly elected.<sup>330</sup> The jurist Amunátegui argues that the 1833 Constitution can neither be classified as a presidential nor a parliamentary system, but rather corresponds to an

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<sup>329</sup> Valenzuela & Valenzuela, *op. cit.*, pp. 28-29

<sup>330</sup> Renato Cristi & Pablo Ruiz-Tagle, *La República en Chile: Teoría y Práctica del Constitucionalismo Republicano*, Santiago: LOM Ediciones 2006, p. 95

aristocratic and autocratic government.<sup>331</sup> Finally, Loveman stresses the fact that the post-1830 order favors the economic interests of the higher classes and the demands of foreign capitalists. It restores Hispanic centralism by maintaining the social stratification of the colony while at the same time protecting property and liberalizing trade.<sup>332</sup>

During the government of José Joaquín Pérez we see the first set of constitutional changes that would lead from 1871 on into the 'Liberal Republic'. These changes reflect a different conception of rights and, in contrast to the regimes described above, assume the parliamentary system. The division of powers is reinforced in favor of the Parliament and the constitutional rights of the people are widened, diminishing the use of extraordinary powers awarded to the government in power. The concept of the citizen and electoral rights are broadened as well, virtually ending census suffrage:

"As in most of Europe with the notable exception of France... political inclusiveness, expanded only gradually in Chile during the 19th Century. Until 1874, suffrage was restricted to males with property or a trade or profession which was equivalent to the property requirement. Voter participation remained very limited. In 1846, approximately 2% of the population voted, a figure which was nevertheless comparable to the voting population in Britain in 1830, Luxembourg in 1848, the Netherlands in 1851, and Italy in 1871. After that date, voting remained at the same level or actually declined, as registries were renewed every three years and executives sought to limit participation to supporters, including public employees and members of the civil guard. In 1874, the legislature, over the objections of the executive, enacted a fundamental reform of the electoral system which extended suffrage to all literate adult males. As a result, the number of registered voters increased from 49,000 in 1873 to 149,000 in 1879. Norway, with a comparable adult male population to Chile's, had 84,000 registered voters in 1876."<sup>333</sup>

Heise argues that the Chilean Liberal Republic leaves behind the colonial heritage and embraces a French liberal philosophy of a secular bent emanating both from Lamartine and his *Histoire des Girondins* published in 1847 as well as from the 1848 revolution.<sup>334</sup> In short, this period would signify "the consolidation of a republican form which is liberal in terms of its fundamental rights [individual guarantees] and parliamentary in terms of its organic laws [institutional organization of the state]."<sup>335</sup>

Despite these liberal reforms, the transfer of power from the President to the Parliament generated considerable tension and was not resolved until President José Manuel Balmaceda

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<sup>331</sup> Gabriel Amunátegui, *Regímenes Políticos*, (Facultad de Derecho de la Universidad de Chile), Santiago: Jurídica 1951, pp. 193-194

<sup>332</sup> Brian Loveman, *Chile: The Legacy of Hispanic Capitalism*, Oxford: Oxford University Press 1988, p. 135

<sup>333</sup> Valenzuela & Valenzuela, *op. cit.*, pp. 8-9. The authors then add: "Chile would later lag behind European nations both in the rate of increase of male voters as well as in granting women the right to vote (with the exception of Switzerland) and would not abolish the literacy requirement until 1970."

<sup>334</sup> Julio Heise, *150 Años de Evolución Institucional*, Santiago: Editorial Andrés Bello 2007, p. 69

<sup>335</sup> Cristi & Ruiz-Tagle, *op. cit.*, p. 107



decided to govern dispensing with the parliamentary political groups which –among other things— became the trigger of the 1891 civil war. Julio Bañados presents a different view on the causes of this war which in his opinion would mainly have to do with the imperfections of the constitutional regime in force and the unconstitutional behavior of a majority in parliament.<sup>336</sup> Either way, this revolution helped to consolidate a parliamentary government and the increasing power of a plethora of political parties which, as Cristi and Ruiz-Tagle observe, were dominated by ‘the urban aristocracy of Santiago’.<sup>337</sup> Put differently, this transition of power meant that Santiago’s oligarchy *migrated* from executive positions to legislative ones.

It is therefore not difficult to show that behind these constitutional changes, the *matrix* of the Portalian state remained intact. The congress in Santiago was just the new bastion of the elites, while the Chilean state continued being the prisoner of a centralist and mercantilist framework, impervious to the popular demands of the day, as we will shortly see. Keen and Wasserman have described the period initiated in 1891 as one of stagnation in relation to the social needs and wrapped in an atmosphere of fraud and apathy in the face of increasing urbanization and spontaneous industrialization.<sup>338</sup> It is in this context that both the military coup of September 1924 and the Constituent Assembly of Workers and Intellectuals of March 1925 take place, as chapter 17 will show.

## 16. ‘Politics of representation’ and ‘politics of sovereignty’

“From 1820 onwards, a fundamental political division occurred between those who preferred a quasi-monarchic-presidential regime versus those who favored a more oligarchic parliamentary ‘liberal’ system.”<sup>339</sup> In their critical interpretation of the history of Chile Loveman and Lira rightly emphasize the historical significance of the political division of those years, and even trace the subsequent *political conflicts* (and their correspondent later attempts at reconciliation) which took place during the nineteenth and twentieth centuries which, in their opinion, mirror the events of this foundational period. But they understand these struggles as a

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<sup>336</sup> Julio Bañados, *Balmaceda, su Gobierno y la Revolución de 1891*, Santiago: Centro de Estudio Bicentenario 2005, pp. 54-55

<sup>337</sup> Cristi & Ruiz-Tagle, *op. cit.*, p. 114

<sup>338</sup> Benjamin Keen & Mark Wasserman, *A Short History of Latin America*, Boston: Houghton Mifflin 1984, pp. 323-324

<sup>339</sup> Brian Loveman & Elisabeth Lira, *Las suaves cenizas del olvido. Vía chilena de reconciliación política 1814-1932*, Santiago: LOM Historia-Dibam 1999, pp. 74-75. The second part of this study is entitled *Las ardientes cenizas del olvido. Vía chilena de reconciliación política 1932-1994*, Santiago: LOM Historia-Dibam 2000

matter internal to the political elite, leaving thus unexplored their wider socio-political premises and consequences.<sup>340</sup>

It is true that 'politics' in Chile is and especially *was* an elite business, and that ingenious strategies deployed by the aristocracy impeded the political participation of wider segments of the population, thus perpetuating its self-referential character. But history transcends these arbitrary limitations. Behind the elite struggles of the 1820s between conservatives and liberals, and influencing it, a larger conflict was taking place: that between the *pueblos* and their customs, on the one hand, and the political ideas and interests defended by the merchant and conservative aristocracy (in particular, that of Santiago), on the other. But we cannot make sense of this bigger picture from an elite perspective. Nor can we explain the emergence and significance of the 1822-28 social movements or analogous social processes which took place in the later political history of the country if we only study the elite. Here is where the notion of the social imaginary can be most helpful as a methodological device.

We have shown that while the 'quasi-monarchic-presidential regime' advocated by Santiago's elite resulted from a selective appropriation of republican theories in order to maximize its own interests and implement its vision of a 'commercial society' (resulting in Portales' authoritarian presidentialism), the popular-democratic liberalism that opposed it was based on the larger imaginary of the Hispano-American *pueblos*. Taylor uses the term *imaginary* for distinguishing it from *theory*, for the following reasons:

"(i) because my focus is on the way ordinary people 'imagine' their social surroundings, and this is often not expressed in theoretical terms, but is carried in images, stories, and legends. It is also the case that (ii) theory is often the possession of a small minority, whereas what is interesting in the social imaginary is that it is shared by large groups of people, if not the whole society. Which leads to a third difference: (iii) the social imaginary is that common understanding that makes possible common practices and a widely shared sense of legitimacy."<sup>341</sup>

If we are to follow the later developments of the *pueblos*-imaginary and its inherent democratic self-understanding, an important distinction needs to be drawn here. In a strict sense, one has to say that whereas the *Pipiolos* came from the provincial *pueblos*, the Liberals were on the whole based in Santiago and belonged to the intellectual elites of the city. In the beginning, both groups shared a similar constituent project for building the 'national' state and

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<sup>340</sup> They make explicit their opinion in the following manner: "Without ignoring the warnings for the future coming from occasional and violent urban protests, mining and port strikes and the 1890 general strike, the significant political ruptures in nineteenth century Chile were essentially results from intra-elite struggles... Political ruptures were not conflicts caused by divisions or social movements but disputes for taking control of the government and the congress... Thus, the need for occasional political reconciliations after ruptures or traumas did not require of ample social consensus..." , Loveman & Lira, *op. cit.* 1999, p. 77

<sup>341</sup> Taylor, *op. cit.* 2004, p. 23

took active part in the 1822-1829 period. After Lircay, in 1830, and the subsequent thirty years of Conservative governments, liberals and *pipiolo*s continued to share the fate of being marginal political groups. As political outsiders they both also developed tight networks with craftsmen and farmers, reinforcing their common identity (something that was especially the case for the provincial *pipiolo*s). An incubation process took place under the surface of political events with outbursts of violence during the 1830s and 1840s (anti-Portalian riots) and in 1851 and 1859 (civil wars). But after 1860 the Conservatives yielded to this pressure and let liberal groups into Congress by opening the field to the creation first of the Liberal Party and later the Radical and Democratic Parties. As we previously noted, the identities of these groups mutated from grass-root social actors to professional politicians. Moreover, having been assimilated by the system, these groups ceased to pose any real opposition to it. This phenomenon did not happen to the popular-*pipiolo* group which continued evolving as a political subject outside institutionalized party politics.

The point is that these kinds of communities (political parties, as they developed in Chile) have to be clearly distinguished from the aforementioned *pueblos* and the emerging 'mutual societies' which essentially were self-governing and self-managing groups. One important difference has to do with the mobilization of resources, widely understood. As Salazar argues, "political parties became organized according to statutes: not to manage their own resources but in order to govern those of all Chileans."<sup>342</sup> But there is also a different conception of politics and democracy involved in these different kinds of community. From the very beginning Chilean political parties have implicitly endorsed a 'realistic' liberal state: a state ('Portalian') that was founded and which has persisted over time without any consideration to the sovereign will of the people; an imposed and therefore illegitimate state. This certainly applies to the 1833 state in its conservative phase. This initial authoritarianism gave way to 'democratization waves' where liberal rights reached progressively wider segments of the population, as was the case with the democratization of the electoral system. But it never went radically beyond this point. In this sense and from a strictly historical point of view, *party associativity* has been inextricably linked to a realistic or 'thin' liberal-democratic imaginary: one that still plays by the rules of the game of the Portalian state.<sup>343</sup> 'Politics of representation' is an expression we employ to depict this self-referential political logic which is impervious to popular sovereignty and whose first marks can be identified in the founding period.

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<sup>342</sup> Salazar, *op. cit.* 2009, p. 15. In a way we could say that political parties, in a strict sense, are not communities but functional organizations. According to Salazar, sovereign 'power' is intimately connected with the possession and management of own resources. Political parties—as long as they manage the resources of others and act as representatives of the people—do not possess this power.

<sup>343</sup> For an in-depth study on political parties in Chile, see: Timothy R. Scully, *Los Partidos de Centro y Evolución Política Chilena*, Santiago: CIEPLAN 1992

On the other hand, by 'politics of sovereignty' I want to characterize that sovereign and rebellious political current within Chile's democratic culture which was born and grew entwined in a socially tense and critical relationship with the dominant (Portalian) system. Its earliest roots, as shown in 12.2., have to be sought in the pro-democratic movements of the decade of the 1820s. But after the 1830 civil war: which new forms of community articulated the main political solidarities 'from below' and outside of the state during the nineteenth and twentieth centuries? Did the citizen sovereignty of Chileans disappear into nothingness? If a 'residual sovereignty' has indeed survived, in which structures did it remain latent?

Too often we hear the liberal enlightenment story that colonial times were a period of un-freedom and barbarity, a process only slowly reverted after the Wars of Independence. And although much of this is true, the colonial period was also the nest of remarkable institutions and practices which had an important influence on the new, post-Independence order. Let us quickly examine two of such colonial practices which for their characteristics have arguably had a significant impact on modern 'communitarian' political self-understandings in Chile. Firstly, there was the Spanish practice of the *sesmo*. The principle behind it is that a fraction (1/6) of the product of a firm's collective work returned to the community to which the worker belonged, a mechanism by which, therefore, a 'community salary' was formed over and above the more common individual salary. This led to the formation of 'community funds' (*fondo de comunidades*), which were administered by *corregidores*. Private property was thus linked to and limited by the common property of a certain locality.<sup>344</sup> Secondly –as we have repeatedly pointed out— there was the democratic institution of the council (*'cabildo'*), the local assembly where all economic, political and administrative issues and problems affecting the city or town in question were collectively discussed and concrete solutions sought. At the time as a Kingdom or Nation Chile was an abstract category. Politics was practiced at the level of the *pueblo* which, as we saw, was the real historical territorial unit during the eighteenth and early nineteenth centuries.

In part III, I attempted to show that Chilean republicanism in the period 1810-1830 approximately, at least its popular-democratic variant, had first and foremost a local source: the territorial base of the *pueblo* with its customs and practices. According to Tocqueville citizenship is learnt where it is practiced in a natural mode: in the local community.<sup>345</sup> Roughly until the middle of the nineteenth century, Chileans lived dispersed in fifty local communities (*'pueblos'*) all around the country.<sup>346</sup> The great distances that separated these communities and the poor communication and transportation available to connect them encouraged an autarchic regime,

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<sup>344</sup> Salazar, *op. cit.* 2012, pp. 315-316

<sup>345</sup> Alexis de Tocqueville, *Democracy in America*, London: Penguin Books 2003

<sup>346</sup> The following considerations are based on the work of Gabriel Salazar, see in particular: *op. cit.* 2009, Introduction, pp. 5-23. For an early study on the pueblos, see also: Ramón Briceño, *Repertorio de Antigüedades Chilenas*, Santiago: Impresión Gutenberg 1889

where the ‘neighbors’ or residents of a *pueblo* focused mainly on the exploitation of their territory in order to achieve subsistence production. In this context and for almost three hundred years these communities developed a social culture based on i) a productive economy and ii) a sociality of the neighborhood: the mutual recognition of each other as the citizens and ‘house owning neighbors’. All neighbors felt equal in that they formed part of the community and contributed productively to it. Only *mestizos* without a profession, *huachos* without family (orphans), and foreign peons –the groups that did not belong to a *pueblo*— lacked the status of ‘neighbor’ which was equivalent to being a ‘citizen’. In order to discuss economic and political problems, as well as to solve any other issue affecting the community (a natural catastrophe, for example), they summoned open assemblies (*cabildo abierto*). iii) Thus the *cabildo* was the local institution of self-government and the direct representative of popular sovereignty.<sup>347</sup> This social culture or, in our terms, social imaginary, was partly inherited from the Spanish peninsula and partly the result of living together in the Hispanic-American communities.

From the perspective of a *pueblo*, political solidarities exist before the King, and before a social contract. For centuries they had functioned as organized societies without the need for a political constitution. And this notion was part of the social memory of Chileans. A Law ‘since time out of mind’ seems to have been operating here. They also could go on living together without the presence of the king, as occurred when Ferdinand VII who was deposed in 1808. Some years later Bernardo de Vera y Pinto, one of the leading Chilean revolutionaries at the time of the independence, wrote in retrospect that, “in this situation each man considers himself to be in that state anterior to the social pact from which all obligations between king and vassals originate. This does not mean that those vassals are reduced to the wandering life that precedes the formation of societies. A people is a people before it gives itself to a king.”<sup>348</sup> Even for Henríquez, a people without a constitution “is an association of men between whom may be perceived no other link than those relations maintained by custom.”<sup>349</sup> And what is ‘custom’ if not the social memory of the *pueblos*: that set of self-understandings and ways of doing things which developed in Chile for over three hundred years?

For three centuries the Chilean *pueblos* had practiced productive sovereignty, communal governance, festive life together, and a democratic-participative sense of politics reigned. So when the moment came for the construction of the national state, this centenary ‘collective memory’ shed light on how to proceed: people thought that the *national* state should mirror the governance of each *pueblo*, that is, it should be centered on production, democratic participation, local and regional autonomy. According to Salazar: “It was the Council – the natural instrument of popular sovereignty—which was projected as a state. And all the *pueblos* reacted in the same

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<sup>347</sup> Julio Alemparte, *El Cabildo en Chile Colonial. Orígenes Municipales de la Repúblicas Hispanoamericanas*, Santiago: Editorial Andrés Bello 1966

<sup>348</sup> *Monitor Araucano*, 23 November 1813. Cited in Collier, *op. cit.* 1967, p. 138

<sup>349</sup> *Ibidem*

way, except for one: Santiago.”<sup>350</sup> As we have seen after the 1829-1830 civil war, Portales initiated his plan of dismantling the communitarian structures of the *pueblos*. However, this process of atomization of the old political ties and relationships was followed by the creation of new ones. Social processes are very difficult to destroy. They just mutate and change of form:

“Uprooted from their own country and means of production, their manufacturing development blocked by mercantile trade and their communitarian neighborhood significantly eroded, the remaining ‘individuals’ –who somehow preserved the cultural memory of ‘los pueblos’— associated: not in order to exert productive sovereignty over a territory but to socially self-manage a common monetary fund which would provide them with a reasonable minimum of security and life together. They thus moved from the local ‘community’ to an ‘association’ oriented by a common goal.”<sup>351</sup>

Whereas under the form of the *pipiolo*-liberal and federal movement the imaginary of the *pueblos* was engaged in ‘open’ politics, for example, in open dispute with their conservative opponents about the structure of the national state, the emergence of mutual aid societies (*socorros mutuos*) from 1829 onwards was an underground movement, separate from the state and conventional politics.<sup>352</sup> Some of the oldest of these societies were the *Sociedad de Artesanos i Socorros Mutuos La Unión*, founded in San Felipe in 1829; the *Sociedad Tipográfica de Socorros Mutuos*, founded in Valparaíso in 1854; and the *Sociedad de Instrucción Primaria Mutua*, founded in Valparaíso in 1856. Towards 1913 there existed 547 workers’ associations of which 428 were mutual societies.<sup>353</sup> The considerable development of these mutual societies during the second half of the nineteenth century –which present conceptual affinities with the colonial practice of the *sesmo* (‘community funds’)— culminated in the so-called *combinaciones mancomunales* or simply *mancomunales* (‘Brotherhoods’) at the beginning of the twentieth century, as we will see below. Unlike trade unions, mutualism did not encourage a ‘class struggle’ in the political arena, but instead the silent empowerment of the people from below. Popular sovereignty thus remained latent, perfecting at the same time its capacity for ‘self-management’, that is, the efficient management by the people by their own resources. This state of latency lasted over ninety years, roughly from 1830 until 1920 when it resurfaced, as one of the main sources of a relentless constituent power.

Salazar speaks of a ‘change of behavior’ on the part of the citizenry towards 1850: from the frontal conflict with the state and its politicians (1830-1859) to peaceful self-education, which in the long run allowed the formation of “a social movement not so much with the ability

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<sup>350</sup> Salazar, *op. cit.* 2009, pp. 9-10

<sup>351</sup> *Idem*, p. 11

<sup>352</sup> On the development of mutualism in Chile, see Illanes, *op. cit.* 2003, pp. 261-362

<sup>353</sup> Salazar, *op. cit.* 2009, p. 40

to destroy enemies but to build its own state.”<sup>354</sup> In part, this pacification came as the result of the entrance of the liberal-radical segment of the society into Congress. The creation of this opposition political party within the state, though seemingly a democratic triumph, did not produce significant changes in its structure (the Portalian state matrix). The real opposition at that time centered on the mutualist movement which was invisible, moving like a mole under the earth.

By the end of the nineteenth century, while Conservatives, Liberals, Radicals and Democrats had become ‘professional politicians’ operating within the structures of the liberal (Portalian) state, the popular-democratic imaginary remained alive in the mutualist communities (‘abeyance structures’, as we defined this concept in part II). These, together with middle-class groups such as students, teachers and intellectuals, were going to organize towards the beginnings of the twentieth century the massive constituent movement of 1918-1925. This emerging *politics of sovereignty* stood in clear opposition to the impervious representative politics as developed in Chile since 1830.

## **17. The ‘social question’ and the second wave of constituent social movements (1900-1925)**

In the context of the celebration of the centenary of the Republic in 1910, Luis Emilio Recabarren pronounced the following words in his speech: “To celebrate the political emancipation of the people! I consider this expression a sarcasm. It is perhaps an ironic joke. It is something like when our bourgeoisie exclaims: The sovereign people...! while they see men wearing rags, *ponchos* and *chupallas*. To celebrate the political emancipation of the capitalist class which enjoys the nation’s wealth— that makes sense.”<sup>355</sup>

During the first decades of the twentieth century, the political system sank into a profound crisis of representation and legitimacy. Amongst other factors the extreme free-trade policy practiced in Chile since 1832 (the year of the first free trade agreement with a major foreign economy), coupled with the obstruction of a local industrialization process by the artisan classes, had led to an increase in the general cost of living. Between 1890 and 1925 masses of wage-earners mobilized all over the country in what became known as ‘the problem of

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<sup>354</sup> Salazar, *op. cit.* 2012, p. 29

<sup>355</sup> Luis Emilio Recabarren, *Ricos y Pobres a través de un Siglo de Vida Republicana*, Santiago: LOM Ediciones 2010, p. 32. Recabarren (1876-1924) was an influential political figure. He was elected several times as deputy, and was the driving force behind the Worker's Movement in Chile. For a study on the ideological sources of his thought see: Jaime Massardo, *La Formación del Imaginario Político de Luis Emilio Recabarren*, Santiago: LOM Ediciones 2008

livelihoods', a severe deterioration in the quality of life of producers and workers in general.<sup>356</sup> However, this wave of strikes cannot be understood only as a reaction to the rampant inflation that way outran salaries, nor as an escalation of the 'class struggle', as this phenomenon is classically conceived. *This wave of mobilizations, culminating in the 1918-1925 citizen movement, was actually the public expression of the programmatic contents of the popular-democratic movement led by the pipiolo between 1823 until 1829: the project of a decentralized state with greater emphasis on production (industrialization) and participatory democracy.*

As noted, the *pipiolo*s came mainly from the provinces and were closely associated with artisans, farmers (*labradores*) and miners in the north. As such, they were the principal targets of Portalian programs of repression during the nineteenth century.<sup>357</sup> This Portalian 'attack' was not so much directed at reducing salaries but rather at the 'productive' and communitarian *sovereignty* of these groups. The tight associative networks of mutual societies and *mancomunales* had constituted for decades an underlying framework of abeyance structures through which this popular imaginary (and political power) was able to survive and further develop outside of the political scene in a process of silent empowerment. In contrast to the eminently reactive or negative political behavior of the Liberals *vis-à-vis* the 1833 state, the surreptitious mutualist movement, together with a variety of social actors, came up with a positive and alternative state building program. In any case, as far as Salazar is concerned it is an historical fact that the *pipiolo*-liberal *memory* was kept alive after 1833, something that may be observed in a number of eloquent events, many of them already mentioned previously in this thesis:

"The numerous anti-Portalian mutinies of the 1833-1837 period ended with the assassination of Diego Portales; the mobilization of the societies of artisans during the 1840s culminating with the riot of 1848 and the civil war of 1851; the spontaneous proclamation of General Ramón Freire... as presidential candidate as late as 1851; the '*Convención de los Pueblos*' that proclaimed the candidacy of Benjamín Vicuña Mackenna in 1876; the inclusion of an strategic objective, the 'reform of the Constitution', into the central programs of the Liberal, Radical and Democratic Parties; and last but not least, the fact that the direct heir of this sociocratic tradition, Luis Emilio Recabarren, had written two drafts of a Political Constitution in which he formalized the old social and productivist project."<sup>358</sup>

Hence, just like in the period 1823-1828, between 1918 and 1925 the Chilean people organized through democratically-elected national assemblies a constituent movement. But unlike the first movement which resulted in the 1828 Political Constitution, this latter process

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<sup>356</sup> Salazar, *op. cit.* 2009, pp. 27-28. Our narration of events will follow closely this work.

<sup>357</sup> Gabriel Salazar, *Labradores, Peones y Proletarios. Formación y Crisis de la Sociedad Popular Chilena en el Siglo XIX*, Santiago: LOM Ediciones 2000

<sup>358</sup> Salazar, *op. cit.* 2009, p. 30



was openly boycotted and finally destroyed *before* it could produce a new charter. This provides, in turn, convincing evidence that confirms the hypothesis that the Chilean state had remained until then stubbornly reluctant to change and fiercely opposed to any form of sovereign politics 'from below'.

The movement of 'social actors' (guilds, trades, professions) that developed between 1918 and 1925, and included important sectors of the middle class, has to be grasped in the broader context of the social movement of the period 1900-1925.<sup>359</sup> In this context the so-called *Combinaciones Mancomunales*, founded in 1900 in Iquique which survived until 1913 in different cities in Northern Chile, were a form of association that played a decisive role in paving the way for what would come afterwards.<sup>360</sup> At the turn of the century they constituted the first territorial platforms of the popular classes in the broadest sense of the word (including not only workers). Their political action was facilitated through the commune (municipality) and aimed towards the *reconstruction* of the (oligarchic) state. *Mancomunales* were thus instances for the exercise of popular sovereignty. Neither party membership nor belonging to a trade union were necessary requirements for taking part in these associations. However, this form of sovereign politics did not last long. The parliamentary oligarchy in power together with the Army (military classes) took 'action' by massacring people: this occurred in Valparaíso (1903), in Santiago (1905), Antofagasta (1906), and Iquique (1907).<sup>361</sup> It is important to record here that Recabarren was the most influential intellectual and charismatic leader of the popular movements of this period. After leaving the Democratic Party, he founded and organized the Socialist Workers Party (*Partido Obrero Socialista*, POS) in connection with the Workers Federation of Chile (*Federación Obrera de Chile*, FOCH). Despite his active engagement in party politics, he was skeptical about the possibility of effecting real transformation from within parliament. That is why he never abandoned his work at the grass-roots level, promoting what he termed 'popular intelligence', the people's constituent power. After the eclipse of the *mancomunales*, a federal and transversal form of association emerged which dominated the national public debate during 1918-1919: the Workers' Assembly of National Alimentation (*Asamblea Obrera de Alimentación Nacional*, AOAN).

After the First World War the number of strikes increased in many different trades sectors (telegraph operators, tobacco vendors, brewers, municipal workers, etc.) which ended up in national mobilizations through the Workers Federation (FOCH). As already stated, there was an economic reason behind these strikes (the rising cost of the living) but after three decades, the 'problem of livelihood' had become a national and *political* problem. The FOCH

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<sup>359</sup> For a panoramic view of this critical period, see: Cristián Gazmuri (ed.), *Testimonios de una Crisis (Chile, 1900-1925)*, Santiago: Editorial Universitaria 1979

<sup>360</sup> Ximena Cruzat & Eduardo Deves, *El Movimiento Mancomunal en el Norte Salitrero*, Santiago: CLACSO 1981

<sup>361</sup> Guillermo Kaempffer, *Así Sucedió. Sangriento Episodios de la Lucha Obrera en Chile, 1850-1925*, Santiago: Arancibia Hermanos 1962

convened all grassroots groups to a great open assembly to discuss this problem and search for a solution. On the 7<sup>th</sup> of October 1918, it called all trades of the country to form a Committee for the reduction of prices of basic necessities, which was expected to organize a *Gran Comicio Público* (Great Public Meeting) to demand that public authorities revoke taxes on foodstuffs and any other measure deemed necessary. This act demonstrated that the people had decided to take in their own hands the most pressing problems and wished to take sovereign decisions accordingly. From this perspective, the *Gran Comicio* may be seen as the creation of a parallel 'popular' congress. This sovereign, autonomous way of proceeding responded to the democratic and self-managing logic of mutualist culture in combination with the practices developed over a decade within the *sociedades mancomunales*.

This is the origin of the *Asamblea Obrera de Alimentación Nacional*, AOAN, composed by workers (FOCH), the *Congreso Social Obrero* (which grouped together many mutual societies), industrial entrepreneurs, farmworkers, tradesmen, various trade unions, the Socialist Workers Party, the Federation of Middle Classes, university students, teachers, catholic organizations, Radical and Democratic associations, medical societies, the Circle of Retired Officers, bank employees, and others. According to Salazar's estimation, more than 500,000 workers joined the movement led by the AOAN in 1918, equivalent to 60 or 70 per cent of the active population.<sup>362</sup> Moreover, if we consider that the majority of these participants were *not* registered in the big trade unions, then we may confidently refer to it as a *citizen movement* which included wide segments of the Chilean civil society at large. Between November 1918 and August 1919, the AOAN called on people to demonstrate (hunger marches) and met in various meetings where people produced documents containing the agreements reached in the previous deliberations, including concrete draft legislation, which was subsequently handed in to the President of the Republic, giving him fifteen days for reacting. In a first document, the AOAN's main legislative proposal was the creation of a National Junta of Livelihood as a state organ; then, it proposed the promotion of economic development (agricultural, fishing, mining, iron and steel) and a profound tax reform, providing the details and reasons for it. It also argued for the need of a Central Bank to put order to the monetary and credit systems and an institution for regulating foreign trade, among other measures. *In reality, the AOAN was suggesting nothing less than the reconstruction of the 1833 state.* The pack of proposed laws was given to the President in the form of an ultimatum or final mandate from the citizenry. The representativeness, organization and sovereign character of this movement can only be compared to the 1823 national movement of the '*pueblos libres*' against the dictatorship of O'Higgins.

The political and military classes panicked. The *Ley de Residencia* and Martial Law were applied. A judicial process against the subversives was initiated. Recabarren along with many

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<sup>362</sup> Salazar, *op. cit.* 2009, p. 44

other delegates went to jail.— The AOAN did not formally dissolve but lacked the strength to force Congress to fulfill the proposed program. At this precise moment the populist discourse of Arturo Alessandri Palma entered the scene capturing the attention of the masses and raising hopes in a part of the popular movement.<sup>363</sup>

The crisis of representativeness of the political system deepened. After a century, the *founding clash of political self-understandings* came to the surface again. Under the accumulated experience of past failures the old self-governing practices of the people, anchored in its respective social imaginary, acquired a renewed energy and clarity of action. Moreover, after 1919 it was obvious that nothing could be expected from the government: only ‘direct action’ could bring about the desired changes. Everything had to start with the citizen and from the heart of civil society. The problem of education soon became a central issue for the movement. That is why simultaneously the Workers’ Federation of Chile, the General Association of Teachers of Chile and the Federation of Students of Chile emphatically rejected the Obligatory Primary Education Law (*Ley de Instrucción Primaria Obligatoria*) promulgated in 1919, which established the so called *Estado Docente* or Teaching State, under the slogan: ‘the state educates!’ The prospect of a top-down educational system after the image of a Portalian state dominated by a mercantile oligarchy certainly represented a grave problem in the eyes of the movement, which required an immediate counterattack or at least a countervailing force. In the place of the *Estado Docente*, elaborated by Darío Salas<sup>364</sup> and defended by President Alessandri, the socio-political movement proposed its own pedagogical ideal: *La Comunidad Docente* (the Teaching Community). Propounding a secular and local ‘libertarian education’, this project was not only nourished by mutualist culture (the tradition of ‘mutualist schools’) but also by anarchist intellectuals of the day. In this enterprise the newly formed General Association of Teachers of Chile (AGPCH, in Spanish) played a major role from 1923 onwards. The AGPCH went as far as proposing the complete reform of the educational system and the replacement of state schools by ‘free schools’, administrated independently by Local Educational Juntas composed of teachers and members of the community. The ideal was of self-education. The Church, state and municipality would be thus relieved from their pedagogical duties. Some of these principles and ideals found a beautiful articulation in a letter written by Gabriela Mistral to a friend in 1927, where the Chilean poetess expresses her direct criticism of the Teaching State: “The state is and

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<sup>363</sup> Arturo Alessandri Palma (1868 – 1950) was a Chilean political figure and reformer, who served twice as the President of Chile, first between 1920 and 1924, and then again in 1925, and finally from 1932 until 1938.

<sup>364</sup> Darío Salas (1881-1941) was a teacher, Master of Education and Doctor of Philosophy and Educational Sciences; author of many articles, translations, conferences. His masterpiece *The National Problem: Foundations for Rebuilding our Primary School System* became the pillar of the subsequent enactment of the Compulsory Primary Education Law in August 1920.

will always be Napoleonic, it will mobilize poor children's souls to secure the empire... Let us reduce its field, let us demand from it half its taxes in order to build *free schools*..."<sup>365</sup>

Believing that bypassing Congress through 'direct action' was the only remaining recourse, in 1923 the Assembly of Workers, Students and Teachers (*Asamblea de Obreros, Estudiantes y Profesores*, AOEP) was formed. Its mission was not to prepare bills –as in the case of the 1918 AOAN— but rather it set itself the task of thinking about how the people could reconstruct the state without involving the political class. While engaged in this deliberative process, the unthinkable happened: the military coup of September 1924. Dissatisfied with the government (and the Parliamentary Republic in general), younger officers of the Army with a liberal and democratic mindset decided to break with a historical precedent since 1830: the hundred year long association between the military and political classes. Alessandri resigned from the presidency and moved into the United States embassy; the next day he went into exile with Italy as his final destination. It seemed that the new Military Junta was willing to embrace the demands of the ongoing social movement. Was it a real citizen-Army the one of 1924? But there was no time for speculation. In reality, the Military Junta was led by senior officers with close connections to the conservative oligarchy. Soon Martial Law was announced and with it began the repression. At the social base of the movement there was outrage and disappointment. In that atmosphere, Luis Emilio Recabarren –the emblematic popular leader of the period— committed suicide.

Despite the repressive behavior shown by the Junta, in January 1925 the AOEP reorganized its Committee drawing on the idea of forming a National Constituent Assembly. But before that, a 'smaller' Constituent Assembly was convened to freely discuss with workers, public functionaries, teachers, students and intellectuals basic constitutional principles and contents. The military and politicians, both from the right and the left, were excluded from this discussion based on a well-founded mistrust and suspicion particular of politicians. From January to March, dozens of *comicios* or open meetings devoted to discussing these constituent projects took place throughout the country. On the 8<sup>th</sup> of March 1925 the first session of the 'Constituent Assembly of Workers and Intellectuals' was held at Santiago's Municipal Theatre in the presence of more than two thousand delegates representing social groups from the capital as well as from the provinces. For four days the representatives freely deliberated every important topic, from education through women's rights to the organization of the state. On March 14 this popular Constituent Assembly made public the fundamental principles that the future Constitution, in its opinion, *should* contain. The eleven-point list may be synthesized as follows: 1) Government has the duty of coordinating and promoting economic production; 2) land is social property in its origin and purpose; the land and the instruments of production and change

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<sup>365</sup> Gabriela Mistral, "La Escuela Nueva en nuestra América"; prologue to Julio R. Barcos, *Cómo Educa el Estado a tu Hijo*, Buenos Aires: Editorial Acción 1928

should be socialized; 3) it is the responsibility of the state to secure for each individual what is required for their integral development, including the promotion of arts and science; 4) the Republic of Chile shall be federal. National, state and communal governments will be organized under the principle of the a collegiate system; 5) the Legislative branch of the Republic and of the states shall be housed in functional chambers that will be composed of representatives elected by the country's organized *gremios* or union-associations (with revocable mandates); 6) the Federal Supreme Court of Justice shall be elected by the organized *gremios* and its functions will be temporary; 7) there will be absolute separation between Church and state; 8) from primary school to university there should be free and public education financed by the state in such a manner to also allow complete academic freedom (*'libertad de cátedra'*); 9) there will be gender equality: equal political and civil rights between men and women; 10) the standing army will be abolished; and 11) all state functionaries should possess effective rather than nominal responsibility for their actions.<sup>366</sup>

Firstly, what the social movements of the 1920s were proposing was a 'production-oriented' state able to encourage and promote the poorly developed national industry, a consequence of centuries of mercantilism and the laissez-faire policies of the nineteenth century. This was a *specific* mandate in view of the *historical* demands of the day (the 'social question' of the period). Secondly, more social and citizen participation stood out among the principles suggested, that is, the potential presence of a participatory democracy where the socially based groups had predominance over the political-representative structure (collegiate functions) and where positions were revocable, holding government and representatives accountable to their constituents. This latter emphasis connects with a third general principle: decentralization or a state designed to function on the basis of communal and provincial autonomy (federalism). *Production, participation and decentralization*: were these not the programmatic content of the 1820s social movements of exactly a century earlier? Don't we recognize here the working of the *same* alternative social imaginary which was born and developed in a constant dialectical movement *vis-à-vis* the (Portalian) centralist, mercantilist state and its exclusionary exercise of representative politics?

By the end of March 1925 during a cabinet session presided over by President Alessandri (who had returned to office) it was agreed that the promised National Constituent Assembly was going to take place on the 26 July that year. And on the 7<sup>th</sup> of April through decree the President designated a Consultative Commission, composed chiefly by '*notables*' of the political world and to a lesser extent by a group of representatives of the social movement, whose main task would be to inform the government about the procedures by which the organization and functioning of the Assembly should be based. However, in the internal meetings of the Commission the

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<sup>366</sup> Salazar, *op. cit.* 2009, pp. 89-90

President's traditional and oligarchical stance became clear. His discourse denoted his intention to maintain the 'Portalian' *status quo* by focusing exclusively on the power relations between the Executive and the Legislature (the old political debate since the 1860s decade) and *not* on the democratic organization of the state and the social order in force (with its hope and the prospect of a radical reconstruction of the state). To be sure, the discourse elaborated by Alessandri and his consultive group of 'notables' was based on a trivialization of the legitimation crisis that the country was suffering but also on a certain ignorance of the significant role that the popular movement had played since 1918.<sup>367</sup> It also represented an unequivocal sign of Alessandri's preference for a traditional *politics of representation* and his indifference to the clamor of the people: everything *had to* be revolved *around* politicians. According to this self-referential logic the Chilean political system, as it stood, could only be perpetuated.

During these internal meetings the President appointed two sub-Commissions. One was going to study the organization of the National Assembly and the other was expected to determine the content of the constitutional reforms that the Assembly *should* later discuss. As time went by, it became clear that there would be no National Constituent Assembly. Following what would seem to have been the will of the President, the sub-Commission –composed of seven or eight individuals— produced a text that would supposedly later be approved by the Great Consultative Commission (an expanded version of the Consultative Commission, full of Alessandri's own sympathizers) on the 23<sup>rd</sup> of July 1925. Virtually all of the 'professional' politicians present (Conservatives, Liberals, Radicals, Democrats, even Communists) submitted to the new constitutional text. The self-referential logic of the political classes ('politics is the business of politicians, and politicians alone') was too strong and too tempting to resist.

Alessandri and his advisors had successfully *reduced* the revolutionary program of the popular movement to a technical issue concerning the balance of powers, where the (corrupted) parliamentary system was the illness to be overcome. It was replaced with a neo-Presidential regime which was Alessandri's own preference. Some of the representatives of the social organizations ceased to attend these internal meetings. It was apparent that the citizenry and the popular movement had been ignored and excluded from 'politics' (the exclusive business of 'politicians'). Finally, the promise of organizing a Constituent Assembly was substituted with a constitutional referendum. The latter took place in September by which Alessandri's constitutional project –technically, a reform of the 1833 Constitution— was approved with 57 percent of the population's abstention.<sup>368</sup>

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<sup>367</sup> *Idem*, p. 97

<sup>368</sup> *Idem*, pp. 112-113

## 18. The Democratic Republic under the Alessandrian Constitution

The construction of the 1925 state was the result, therefore, of the internal agreements of a group comprised of seven or eight of the President's friends who turned a deaf ear to the sovereign demands of that year's Popular Constituent Assembly. Hence, it was an illegitimate or at least *heteronomous* state-construction. Whereas through its eleven points of fundamental principles the Constituent Assembly had proposed an emphasis on the economic problems of the day (problems of production and poverty) as well as the demand for democratic inclusion and the decentralization of power and resources, the newly founded state brought with it purely political innovations (balance of powers) while maintaining the liberal-mercantile heritage of the 1833 state, that is, ahistorical principles: unity of the nation and abstract sovereignty delegated to the political authorities. The real sovereignty of the people, on the other hand, was prevented, for example through Article No. 3 which prohibited that a 'meeting of the people' could assume their representation or 'make petitions on its behalf' (this prohibition is confirmed and reinforced by Article No. 4). The constituent elite surely had fresh in its memory the popular-constituent movements of 1918-1925 and, therefore, it had to become armed to protect itself from the citizenry. The centralism of 1833 was also reproduced in 1925 without significant changes (Articles 88 – 107).<sup>369</sup>

The ahistorical and purely political stamp of the 1925 state made it powerless to address the real problems of the country, thus it could not promote productive development. The economic policy of the post-1925 liberal governments centered on reestablishing the gold standard and organizing a Central Bank conceived in monetarist terms; two measures which could only deepen both poverty and the economic crisis. Faced with the economic vacuum of the Alessandrian Constitution, corporate and commercial sectors decided to act in unison forming the *Confederación de la Producción y el Comercio* (Confederation of Production and Commerce, CPC) in 1934.<sup>370</sup> The main groups involved in its formation were the National Society of Agriculture, the Industrial Development Society, the Chamber of Commerce of Chile (Santiago), the Central Chamber of Commerce (Valparaíso), the Employers Labor Association, and the Chamber of Retail. And just like in 1918 (AOAN) and in 1925 (AOEP), the CPC handed over to the President a bill aimed to create an Economic and Social Council designed to promote economic development and represented by individuals from the different economic sectors. But the President –just like in 1918 and 1925— refused to embrace this proposal. Instead he created a National Economic Council, a body with mere advisory powers and composed of a majority of government delegates. To the expulsion of the *popular movement* from the state the expulsion of

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<sup>369</sup> Universidad de Chile, *Códigos de la República de Chile*, vol. I, Santiago: Imprenta y Litografía Universo 1945

<sup>370</sup> Oscar Álvarez, *Historia del Desarrollo Industrial de Chile*, Santiago: Imprenta La Ilustración 1936

the *economic actors* now followed. An exclusively *political* state operating in the same centralist fashion with a dose of *caudillismo* and populism: this was the Alessandrian legacy.

As a consequence of all the above, the citizen became an essentially passive holder of a 'right to petition'; the people were thus degraded into mere *petitionist masses*. Was there any other path left? On the other hand, the state was now seen as the 'saviour' of these masses. Populist bonuses were conceded through executive orders and presidential decrees, in the manner of Carlos Ibáñez del Campo.<sup>371</sup> The reproduction of the political classes and their restrictive and self-referential 'politics of representation' was no longer a work in progress but instead a piece of work that was fully complete. These are the characteristics that would mark the next long period from 1925-1973. It was, therefore, the time of the great workers' and functionaries' strikes (salary petitions) and of massive party membership. In the words of Gabriel Salazar,

"There was never so much talk of industrialization, development and social justice and yet, after half a century of frenetic activity, nothing was achieved: neither development, nor industrialization nor social justice. And this was the tragedy of the revolutionary policy of Eduardo Frei Montalva and Salvador Allende Gossens: to run the risk of a social and productive revolution while caged in the Liberal state of 1925—without changing the Constitution and respecting until death that illegitimate Fundamental Charter..."<sup>372</sup>

During the mid-twentieth century, Chile's political Left was a left of political parties represented in congress and supported by petitionist masses in the streets. Unlike the 1900-1925 popular movements, from 1938 to 1973 this Left tried –without success— to implement its revolutionary program from within the 'iron cage' of the 1925 state. It attempted to become a (pseudo) Welfare state, a Teaching state, and finally a Revolutionary state (Allende). But the cage did not allow for industrial-popular revolutions. The catastrophic political defeat of the Chilean left in 1973 (though certainly not the brutality of the military coup) was, in a sense, a chronicle of a death foretold.

Seen from a different angle, during this period important social and political reforms took place that permitted a deepening of democratic practices. From 1927 to 1931 the country lived through General Carlos Ibáñez' military dictatorship, which according to Keen and Wasserman had a clear anti-republican profile.<sup>373</sup> Only in 1932 did a constitutional government become established and with it did the 1925 Constitution and its neo-presidential regime come into force. Due to the 1925 constitutional reforms and the subsequent promulgation of social

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<sup>371</sup> General Carlos Ibáñez del Campo (1877 – 1960) was a Chilean Army officer and political figure. He served as President twice, first between 1927 and 1931, and then from 1952 to 1958.

<sup>372</sup> Salazar, *op. cit.* 2009, pp. 117-118

<sup>373</sup> Keen & Wasserman, *op. cit.*, p. 328



laws, Ruiz-Tagle argues that during the period 1932-1973 the Republic enters into its 'democratic' phase. The dogmatic part, concerning constitutional rights, would take a 'republican, social and democratic form'. The concept of citizenship or political inclusion is gradually expanded: the national voting age is lowered to eighteen and women gain the right to vote. A new concept of property rights includes a social function which is reflected in the introduction of social security policies, compulsory primary education, and progressive taxes. The constitution gradually recognizes the doctrine of social and economic rights, even allowing for agrarian, industrial and banking expropriation.<sup>374</sup>

These social and democratic transformations carried out by the center-left governments of the period are undeniable and yet they never challenged the matrix of the state, the liberal order of 1925. They moved within the logic of a self-reproducing 'politics of representation' at work since the 1830s and a minimalist conception of democracy is presupposed.<sup>375</sup> The gravity of the problem of representative-politics in Chile is that it has always ignored the concrete way in which a majority of the Chilean population has imagined its social life together: what we have termed the popular-democratic social imaginary. And this exclusion can only produce deep legitimacy crises. If during the National-populist period there was no such crisis (at least, not an easily identifiable one), this was mainly due to the confluence of the two factors we have been considering: the existence of passive, petitionist masses on the one hand, and a populist, authoritarian-presidentialist government, on the other.

Chilean constitutionalists have argued that despite the heteronomous character of the 1925 Constitution, over time (from the 1930s until the early 70s) under center-left governments the people 'appropriated' it, living through a slow process of democratization and social reform.<sup>376</sup> But to what extent can one speak of a real appropriation of the constitution by the people? At one point Salvador Allende seemed to think that Chile's political institutions did respond to the real 'social forces' of the day and that this process of constitutional appropriation was well advanced. However he must have realized his delusion when in September 1972 he claimed,

"We must definitely strengthen the presence of workers in the handling of public affairs... and establish new institutions for Chile to be able to function according to its own economic and social reality... Let the people, for the first time, understand that it is not from above, but that it must be born from the very roots of its own conviction, the fundamental charter that will give it existence as a dignified, independent and

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<sup>374</sup> Cristi & Ruiz-Tagle, *op. cit.*, pp. 115-117

<sup>375</sup> On this minimalist conception, see chapters 3 and 4.

<sup>376</sup> See, for example, Atria, *op. cit.*, pp. 64-68

sovereign people... It is up to the people of Chile to study, discuss and analyze the fundamental bases of the new constitution.”<sup>377</sup>

Allende’s intuition was correct but it was already too late.

## 19. The military regime and the 1980 Constitution

The military coup of September 1973 erupted in the midst of all these processes, interrupting Chilean republican life until March 1990. Pinochet promulgated a new constitution (1980) which aimed at institutionalizing a neoliberal and authoritarian conception inspired in Friedrich von Hayek and Carl Schmitt. As Cristi would argue, Jaime Guzmán –the great ideologue of the dictatorship and the conservative right— employs the notion of original Constituent Power in order to legitimize Pinochet’s military dictatorship. He takes this notion from Chilean authors inspired by the work of Spanish jurists such as Luis Sánchez Agesta and Luis Legaz Lacambra who, in turn, depended on the work of the German jurist Carl Schmitt. Guzmán actually argues that because the Constituent Power no longer lies with the people but rather resides in the Military Junta, the Constitution of 1925 can be considered dead. The idea of a sovereign dictatorship is thus embraced and Pinochet suddenly becomes something of an eighteenth-century European absolute ruler. This means the complete abrogation of the principle of popular constituent power in force since Chile’s Independence.<sup>378</sup>

Despite these discontinuities, the 1980 Constitution is deeply steeped in the liberal and mercantile imaginary that developed towards the first third of the nineteenth century and which had crystalized in the 1833 Constitution. Notably, it maintained the *abstract* liberal language of the founding charter: a series of general political notions of North-Atlantic origin without any consideration as to the *concrete* historical (social, economic or political) circumstances of the country.<sup>379</sup> The center of power is not to be found in the real subjects nor in the community but in ‘the state’: the old (heteronomous) Portalian state which, according to the constituent elite of 1980, is ‘unitary’ (Article No. 3) while sovereignty “resides essentially on the nation” (Article No. 5). The constituent elite graciously concedes the citizen the right to vote in regular elections and in particular plebiscites but also warns that “no section of the people nor any individual may assume its exercise. The exercise of sovereignty is limited by respect for the essential rights

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<sup>377</sup> Gabriel Salazar, “Las Coordinadas Históricas de Salvador Allende, 1910-1973”, in Various authors, *Salvador Allende. Fragmentos para una Historia*, Santiago: Fundación Salvador Allende 2008, p. 271

<sup>378</sup> Renato Cristi, *El Pensamiento Político de Jaime Guzmán: Una Biografía Intelectual*, Santiago: LOM Ediciones 2011, pp. 99-135

<sup>379</sup> Robert Barros, *La Junta Militar. Pinochet y la Constitución de 1980*, Santiago: Editorial Sudamericana 2005

which emanate from human nature.” (It is curious that this all-powerful state would limit itself by abstract respect for human rights, while the military regime was at that very time killing and torturing in the streets. In reality, the insertion of the clause on human rights was not meant to limit state authorities but rather the normal citizen—and what he or she could do to counteract the dictatorship.) While retaining the quasi-metaphysical, abstract conceptual matrix of the 1833 and 1925 codes which reflected the anti-democratic and ahistorical founding and construction of the state, the 1980 Constitution went even further in its open struggle against any form of sovereign-politics from the citizenry. Through its multiple clauses relating to ‘national security’ (Article No. 1), ‘terrorism’ (Article No. 9), conditions for the loss of citizenship (Article No. 17 and 19) and associations ‘contrary to public order and the security of the state’, Jaime Guzmán’s charter sought every ‘legal’ device to neutralize the action of citizens, intermediate groups, non-partisan political associations, social movements, etc. Everything social or political was suspicious.

The 1980 Constitution will also be perfectly continuous with the founding constitution of 1833 in all aspects concerning the attributions of the President and his extraordinary powers, the states of exception (which increases the power of the President and Congress in case of an internal crisis), and the political and administrative centralization of the country. Despite an attempt at decentralization (arts. 100 to 111), the old vertical chain of the intendants and governors remained intact; the municipality played no political role.<sup>380</sup>

Pinochet’s military regime was probably the most brutal and repressive in the history of Chile, and perhaps in all Latin America.<sup>381</sup> From the historical-political perspective of this thesis, since its outset, Chile’s political culture appears to be dominated by an antidemocratic spirit and in that sense one is tempted to see more historical continuities than ruptures. In fact why not think that both dictators, Portales and Pinochet, stand on the same footing? Isn’t there a path-dependency involved here? Does history not repeat itself?<sup>382</sup> Moreover, when have the Chilean people exerted their Constituent Power? Strictly speaking, the correct answer is never. While we may consider the 1828 Political Constitution the legitimate product of the sovereign will of the Chilean *pueblos* in being the only one freely accorded by the Chilean citizens in the last two hundred years, we must not forget that only one year after its promulgation the conservative reaction ensued and ultimately led to its destruction. The second constituent moment we have identified culminated in the Constituent Assembly of Workers and Intellectuals of 1925, as the result of seven years of active constituent movements. And what happened then? With less

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<sup>380</sup> Honorable Junta de Gobierno, *Constitución Política de la República de Chile*, Santiago: Ediciones Siena 1977

<sup>381</sup> Keen & Wasserman, *op. cit.*, p. 339

<sup>382</sup> Pinochet explicitly referred to his regime as a continuation of that of Portales. From 1973 until 1981 the seat of the Executive Power (the administration of Augusto Pinochet) and the Legislative Power (the *Junta de Gobierno*) was a building in the center of Santiago named after the powerful tri-minister: the *Edificio Diego Portales*.

brutality but no less arrogance and authoritarianism, Alessandri –who had been invited by the Military Junta— ‘arbitrated’ this citizen process, finally boycotting it. With the help of his advisors it was Alessandri who drafted the Liberal Constitution of 1925, the same one which survived until 1973, the year of the infamous military coup.

The conclusion is that Chile’s three main Political Constitutions which have shaped the state as well as the manner democracy is exercised and understood, had authoritarian and illegitimate births: in 1833 with Portales and Prieto, in 1925 with Alessandri and Ibáñez and finally in 1980 with Pinochet and Guzmán. These three critical ‘constituent moments’ also entailed the destruction of grassroots institutions and political organizations: Portales brought about the destruction of the *pueblos*-communities, their autarchic practices and their liberal-democratic project of order; Alessandri and Ibáñez the domestication of the people into petitionist masses by boycotting the social-democratic constituent movement of 1925 and putting in its place a populist democracy; and Pinochet likewise through the atomization of the socio-political associations at the base, mainly left-wing organizations of a Leninist bent, such as the Workers’ United Center (CUT), the Revolutionary Left Movement (MIR) as well as the Communist and Socialist parties. Over the past two hundred years, ‘politics’ has consistently proven to be the business of a few individuals – a reflection of the ever existent split between politics and ‘the social’ sphere. History’s mute witness has always been the people, the citizenry. Nonetheless, a hundred year old political memory remains and with it does an alternative understanding of democracy.

## **20. Sovereign politics in the twenty-first century**

### ***Chile’s recent wave of social movements and ‘citizens assemblies’***

When Chile returns to democracy in 1990, Patricio Aylwin’s government adopts the neoliberal and authoritarian Constitution of 1980 leading to a paradoxical situation. Constituent Power is now nominally in the hands of the people but Chileans actually live under the institutions of Pinochet with all the anti-republican dispositions contained in the 1980 Constitution, a paradox which the 1989-2005 constitutional reforms did not resolve.

In the present regime, the division of powers is weakened in favor of an authoritarian presidential figure, causing a permanent tension with the parliament. The Executive is the great legislator and predominates without sufficient counterweight. A ‘subjective’ conception of rights

is assumed by which privilege is granted to property rights. Such a conception “is pontifical in origin and iusfundamentalist and neoliberal in its current form because it devalues the social and democratic aspects of its exercise.”<sup>383</sup> According to Ruiz-Tagle, as a unilateral constitutional theory of rights iusfundamentalism, “assigns moral status only to individual rights as such, giving priority to private property and freedom of contract, freedom of conscience and religion.”<sup>384</sup> Despite the governmental rhetoric of decentralization, the neoliberal Republic remains, as always, highly centralized. Finally, the idea of a ‘protected’ or ‘authoritarian’ democracy<sup>385</sup> still permeates the current understanding of citizenship and representation by means of a restrictive electoral system (*sistema binominal*) which excludes political minorities, amongst other mechanisms. Let’s look at this problem a little more closely.

One could indeed argue that the main underlying idea of the 1980 Constitution is contained in the expression ‘protected democracy’. But protected *from whom*? The answer is: from the people. As the prominent Chilean jurist Fernando Atria wrote in his last book:

“[The 1980 Constitution] is a founding norm but not a fundamental decision by the people on its identity and form of existence. This is because these norms do not confer the people a political form with the properly constitutional aim of empowering it to act, but with the specific purpose of neutralizing its agency, of preventing it from acting... For this reason, it is correct to say that the so-called Constitution of 1980 is essentially antidemocratic or, in other words, that it is not a constitution.”<sup>386</sup>

In order to ‘protect democracy’, which actually meant *to defend the political project of the dictatorship*, Guzmán designed certain constitutional bolts or locks which made it impossible for that project to be substantially modified after the return to democracy in 1990. And it worked. After more than three decades, Chileans still live under the institutions of the Pinochet dictatorship. And although from 1989 until 2005 some of these locks have been removed, three main ‘traps’ –as Atria calls them— still remain: i) The organic constitutional laws and their qualified quorums of approval. These types of laws cannot be dictated, modified or derogated without the existence of a high number of votes in both chambers (4/7 of the votes from deputies and senators). In practice this means that any reform to an organic constitutional law requires votes from the right-wing coalition which grants it veto power. This is how, for example, the Chilean Right has been able to halt a comprehensive educational reform until now. ii) The second lock or ‘trap’ is the binomial system which strengthens the anti-democratic effect of the first one. This voting system, used in parliamentary elections, does not necessarily elect

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<sup>383</sup> Cristi & Ruiz-Tagle, *op. cit.*, p. 135

<sup>384</sup> *Idem*, p. 40

<sup>385</sup> In a moment of extreme candor, General Pinochet went so far as to acknowledge his preference for a ‘dictatorship of democracy’. Quoted in Pamela Constable & Arturo Valenzuela, “Is Chile Next?”, *Foreign Policy*, 63, 1986, p. 60

<sup>386</sup> Atria, *op. cit.*, p. 45

the candidate who receives the most votes and, in practice, it consistently benefits the right-wing political bloc by securing the fifty-one deputies this coalition requires in order to veto the modification or derogation of an organic constitutional law. To Guzmán, the 'new mentality' contained in the Constitution fulfilled the mission to "mitigate the defects and evils of universal suffrage".<sup>387</sup> Thus the *status quo* is maintained even against the will of the majority. Now, in the unlikely case that a political decision, contrary to the interests of the Right, could overcome these traps, a third lock comes into play: iii) the Constitutional Court and its exaggerated power of intervention over the process of law formation, before this is promulgated. Finally and in addition to these locks, there is a meta-lock, one that protects the other three, namely, the qualified quorums for constitutional reform itself (3/5 or 2/3 of the deputies and senator in exercise).

In this constitutional scheme, the people are not really conceived as the source of sovereignty but rather as the danger from which government has to be protected. It is therefore a profoundly antidemocratic code that impedes Chileans from discussing and deciding on fundamental political questions such as the existing exaggerated presidentialism and centralism that suffocates the provinces, the prevalence of negative freedoms over social rights, and the current indifference towards the multi-ethnic composition of the Chilean nation, to name a few issues amongst many others. Accordingly, Atria explains the current legitimacy crisis that affects congress as well as other representative institutions in Chile as follows:

"The discredit of those institutions is explained because they reflect the futility to which politics is reduced, given the constitutional laws of Pinochet and his followers. It's irrelevant that the people demonstrate, for example, to end for-profit education because it's not up to the people, through political agency, to decide on this: it's up to the heirs of Pinochet who always will have their veto available to avoid such reform. But then institutional politics (in the Parliament, etc.) is a joke, nothing really important is at stake here. And the legitimacy crisis is a consequence of this."<sup>388</sup>

If we review the institutional developments of the past forty years or so, this seems to me to be a correct interpretation. However if we take a longer-term perspective, a more profound, *historical* legitimacy-deficit becomes apparent, which became invisible by the democratic and progressive hopes of the National-populist period, but nonetheless an existent reality since the founding of our Republic. This long-lasting legitimacy problem traverses the history of Chile and is explained by a deeper fracture between *the social* and *the political* spheres. As has been shown, Chilean democratic culture in particular has been split between a dominant *politics of representation* and a *politics of sovereignty by self-representation*. The first –the politics of

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<sup>387</sup> Quoted in Atria, *op. cit.*, p. 53

<sup>388</sup> *Idem*, p. 87

representation— is the mother of the (neo)liberal, nominally representative, centralized and hierarchical state as we know it in Chile to date. The second –the politics of sovereignty by self-representation— has moved like a mole underground for over two hundred years with intermittent eruptions of constituent social movements. This second strand of Chile’s democratic culture has always conceived a productive-industrial, participatory and decentralized state. I believe that the degree of political stability and legitimacy can be measured by the ‘distance’ or discrepancy between these two political magnitudes.<sup>389</sup>

If the ‘official’ or dominant democratic self-interpretation is embodied in the existing political structures and practices (in the workings of the binomial parliament, in the great powers of the President, in a vertical and hierarchical national administrative system, in general elections every four years, constitutional plebiscites, a iusfundamentalist conception of rights, etc.), the alternative understanding of what democracy is or should be has emerged recently in a variety of forms of citizen self-rule, outside of these structures. The most striking and recent form in which this politics of sovereignty re-entered the public sphere occurred in 2005-2006 with the so called Penguin Revolution,<sup>390</sup> a series of protests carried out across the country by high school students becoming Chile’s largest student demonstration of the past three decades and the first political crisis of President Michelle Bachelet’s first administration. Amongst the students’ longer term demands were the abolition of the Organic Constitutional Act of Teaching (LOCE) and municipal subsidized education, reform of the Full-time School Day policy (JEC), and quality education for all. In line with the previous considerations, the Penguin Revolution is better understood as a public manifestation of a subterranean republican culture of self-rule, operating under the foundations of the political space monopolized by the state and which, especially since the late 1970s, gained in strength and self-awareness in face of the repression exerted by the Pinochet dictatorship at that time. In Salazar’s words:

“[High school students] are our children: the direct offspring, first of all, of debts with the market; and through their parents, [children] of the betrayed ‘transition’ [to democracy in the 1990s]; and through their grandparents, of military terrorism; and through their great-grandparents, of the crippled ‘liberal’ democracy from 1938 to 1973. They are, thus, children of a profound social memory, of struggles for economic development and equality, three times betrayed...”<sup>391</sup>

The point is that the main actors involved in these street protests were embodying a ‘social memory’ –to use Salazar’s expression— which gave them impulse and direction in their

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<sup>389</sup> Rosa, *op. cit.* 2004; Montero, *op. cit.* 2012

<sup>390</sup> It received this name because of the school uniform – black and white – which made the students look like penguins.

<sup>391</sup> Gabriel Salazar, *En Nombre del Poder Popular Constituyente. Chile, Siglo XXI*, Santiago: LOM Ediciones 2011, p. 24

activities. Interestingly, the same generation who went to the streets in 2006 is now the main protagonist of the ongoing university student protests, arguably the largest and most important political movement of the past forty years. The 2011-today student movement is, from this perspective, just another expression of this social-citizen culture, another offspring of the hundred year long social memory explained and discussed above.

Following the student demonstrations of 2006, the 2011 mobilizations started by rejecting the Chilean educational system altogether. This system permits a high level of participation for the private sector with respect to state participation as provider. Currently, only 25 per cent of the educational system is financed by the state, while the students themselves have to pay for the remaining 75 per cent of their education. This system was built during the 1980s under the Pinochet dictatorship and left the state in a mere regulative role, delegating a great deal of the provision of education to the private sector. As it became clear during the course of 2011, students protests (which were later joined by all segments of the population: teachers, workers, intellectuals, etc.) were not so much about pressing for particular reforms regarding access to higher education, more grants, better conditions for university loans, or more transparency in the system. Such reforms alone wouldn't have satisfied the aspirations of the students. The political significance of this movement lay in its overt challenge to the 'individualistic model' by which education, amongst other areas of social protection, is viewed as a 'consumer good' or commodity. Ultimately, this movement –as seen in other contemporary social movements— represents a challenge to the neoliberal model as such, and the proposal of an alternative state, market and civil society. But how radical is this constituent project? At least conceptually, the current movement for change in education still plays by the rules of the game of the Chilean liberal state, following the logic of a 'politics of representation' (*la política*), where the movement's elite negotiates with the government and sends it its proposals or *petitions*. Political parties and official authorities continue to be the only valid interlocutors. We might see here the inertia of the masses from the National-Populist era. On the other hand the 'politics of sovereignty' which characterizes the core of the social-citizen culture, is a complex path to follow. It requires a lot of time and self-education by the citizenry. And although today's student cause has similar characteristics to previous movements, the present *constituent moment* is not comparable to the 1918-1925 period. In any case, these more recent student movements (2005-06, 2011-today) have internally operated under constitutive principles of Chile's popular-democratic culture, for instance, the old communitarian notion of 'the assembly rules; there are no leaders only spokespersons'.<sup>392</sup>

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<sup>392</sup> The student movement found a great resonance in the wider society. An indicator of its popularity might be found in the 2013 parliamentary elections, through which the four most important leaders of the movement became elected as deputies with high percentages: ex-President of the University of Chile's student Federation (FEUCH), Giorgio Jackson (40%), two ex-Presidents of FECH, Camila Vallejo (43%) and Gabriel Boric (26%), and an ex-President of the Student Council of the Universidad de Concepción, Karol Cariola (39%).



Even more interesting are other form of citizen self-rule, such as the *Asambleas Ciudadanas* or Citizen Assemblies which have been formed throughout the country during the past years. While a new form of doing politics, it has roots in the old republican tradition. These territorial assemblies consist in horizontal forms of decision making, where agreements are born in consensus and, when not, are defined through democratic means. Far from political parties and the eroded representative system, the citizens of Magallanes, Aysen, Calama, Freirina, Calbuco, Valparaíso, Iquique –just to mention the most emblematic cases— have mobilized in this way around regional, sectorial and also national issues. Lately these assemblies have come together in *Encuentros Nacionales de Asambleas Ciudadanas* (National Meetings of Citizens Assemblies). One of these, which took place in Freirina in April 2013, utilized the motto ‘*Apoya la construcción del Poder Popular*’ (‘Support the construction of Popular Power’). The intimate connections between these recent forms of self-rule and its earlier variants are apparent. In contrast to parties and unions, *Poder Popular* was ‘the’ alternative form of doing politics in Chile during the years previous to the Military Coup of 1973, a form that was able to survive the seventeen years of dictatorship and remained in a state of latency roughly until 2005.

### ***Sovereign politics and popular power***

One of the immediate sources of Chile’s contemporary forms of self-rule has to be sought towards the end of the 1940s when Clotario Blest<sup>393</sup> and Alberto Hurtado, S.J., amongst other union leaders and catholic figures, proposed the idea of ‘*acción directa*’, that is, the workers’ direct pressure on the Executive. Through direct action the long and fruitless road through the union and parliament to solve urgent problems could be bypassed. In other words the message was to do it by themselves. In parallel, the *pobladores marginales* (marginal settlement dwellers) initiated the practice of seizing plots of land. Violating the law, these settlers decided to control the land and erect *campamentos* (camps), forcing the state to build houses and streets for them at a later date. Then industries, country estates, universities, etc. began to be seized. *Seizures* (in Spanish, *la toma*) became a political act, one that is radically different to the citizen-petition –the more typical political mechanism of mid-twentieth century in Chile, which has to go through congress, most frequently with unsatisfactory results. During the governments of Frei Montalva and Allende, these practices were common.<sup>394</sup> Here we find the roots of Popular Power politics

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<sup>393</sup> See the complete study on the life and work of Clotario Blest: Mónica Echeverría, *Antihistoria de un Luchador (Clotario Blest 1823-1990)*, Santiago: LOM Ediciones 2013

<sup>394</sup> Mario Garcés, *Tomando su Sitio. El Movimiento de Pobladores de Santiago, 1957-1970*, Santiago: LOM Ediciones 2002

in Chile (*'Poder Popular'*). This seizure-politics was practiced by university students (since 1968), the working classes (since 1972), farmers (since 1965), among other groups. In reality, it was a form of social or popular control over a small territory or place (a university, a factory, a neighborhood, etc.), where improvised forms of self-rule and subsistence developed.<sup>395</sup> It was a renewed practice of local or communal sovereignty.

The military coup destroyed parties, labor unions, and the liberal state (of 1925), but the habits and practices of Popular Power remained. It re-emerged, for instance, in *ollas comunes* (communal pots) and *campamentos*, two self-managing initiatives that arose during the Pinochet years as autonomous solutions to the problems of hunger and housing respectively.<sup>396</sup> The twenty-two massive protests against the dictatorship from 1983 to 1986 provided another proof that the social movements previous to Pinochet had not died. Philip Oxhorn and Julia Paley have explored these popular struggles and their impact in post-dictatorship Chile.<sup>397</sup>

In a way, the form of sovereign-politics beginning in the late 1940s that I have been characterizing is in turn heir to a type of community or solidarity-form which we still haven't mentioned in the present investigation. Thus, together with the nineteenth-century associative networks of the *pueblos*, mutual societies and the *mancomunales* of the early twentieth century, together with the political solidarities developed by students, workers, teachers and intellectuals, we have now to briefly consider the *marginal networks of the 'bajo pueblo'* as a fourth communitarian context of sovereignty in Chile which has survived until today. I refer now to the solidarity of the poor or what in Chile is called *el bajo pueblo*. During the nineteenth century this segment of the population corresponded to the peons and so called '*rotos*', which in the twentieth century became known as *conventilleros* and *callamperos* (hut-dwellers); in this century they became temporary workers. This *bajo pueblo* has not formed part of any of the aforementioned communities, but has functioned on the basis of reciprocal solidary services. The *bajo pueblo* developed a social culture of companionship or a kind of fraternity in conditions of poverty. This sort of community builds resources and capacities for surviving in the present; they meet briefly, for reasons of survival and physical security. Living in scarcity, every productive surplus is celebrated in wasteful spending (thresh, wine harvest, *mingas*, carnivals, etc.). The 'power' of the poor emerges when they meet and disappears when they separate, leaving no trace behind: it only remains in their social memory. One thing is clear: the associativity of the *bajo pueblo* has always lived under the law and outside of the state. They

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<sup>395</sup> Hugo Cancino, *La Problemática del Poder Popular en la Vía Chilena al Socialismo (1970-1973)*, Aarhus: Aarhus University Press 1988, and Franck Gaudichaud, *Poder Popular y Cordones Industriales. Testimonios sobre el Movimiento Popular Urbano, 1970-1973*, Santiago: LOM Ediciones 2004

<sup>396</sup> Guillermo Campero, *Entre la Sobrevivencia y la Acción Política. Las Organizaciones de Pobladores en Santiago*, Santiago: Estudios ILET 1987

<sup>397</sup> Philip Oxhorn, *Organizing Civil Society. The Popular Sectors and the Struggle for Democracy in Chile*, University Park: Pennsylvania State University Press 1995; Julia Paley, *Marketing Democracy: Power and Social Movements in Post-Dictatorship Chile*, Berkeley: University of California Press 2001

remain at the bottom of 'the political' sphere (*'lo político'*) and therefore in permanent conflict with the system or normal politics (*'la política'*) or political sphere. From here two options arise: either they continue in a cyclical guerrilla war against the system (street uprisings, delinquency, plundering, etc.) or they become a cultural movement of identity formation, self-management, and associative local power, as Recabarren once dreamt.

### ***The historical problem of 'constituent popular power'***

Just like a century ago, contemporary social actors (students, teachers, *pobladores*, workers, public functionaries) all over the country are demanding a *new Constitution by means of a Constituent Assembly*. A hundred years later, the problem continues to be a struggle between sovereign-politics and representative-politics. In the middle of the 2013 national debate on the constitutional problem, the senator from the Christian Democratic Party, Patricio Walker, emphatically stated: 'We have two options: the Constituent Assembly, letting things be solved in the street, in chaos, in anarchy; and representative democracy'.<sup>398</sup> In his comments about these remarks, the political scientist Claudio Fuentes aptly summarized the situation as follows:

"The caricature of a Constituent Assembly as something chaotic, anarchic and from the street is the common view shared today by Camilo Escalona, Patricio Walker, Felipe Larraín and Pablo Longueira. It is not the division between Right and Left. It is not the division between democracy and dictatorship. Today what orders the political-ideological map is the form of conceiving democracy: as a matter of the few or as matter of the many."<sup>399</sup>

If we take into account the wide political spectrum that the aforementioned names represent (Socialist Party, Christian Democratic Party, Independent Democratic Union, and minister of Sebastián Piñera, that is, left, center and right-wing parties), one can conclude that the political classes of the twenty-first century continue to offer great resistance to the exercise of sovereign politics, especially when it comes to the realization of a Constituent Assembly. Does history not repeat itself? Does this mean that, after two hundred years of independent life, politicians still think the Chilean people lacks sufficient 'political virtue'? Of course not. It is the same *politics of representation*, using the same old self-referential logic ('political problems can only be resolved between politicians') and the same archaic derogatory language ('anarchy', 'chaos') – the weight and political inertia of two hundred years.

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<sup>398</sup> Patricio Walker, "Patricio Walker entregó detalles del acuerdo para cambiar el binominal", *Radio Agricultura* (10 July 2013), Retrieved from <http://www.radioagricultura.cl>

<sup>399</sup> Claudio Fuentes, "Constitución, Binominal y el Miedo de las Élités", *El Mostrador* (11 July 2013), Retrieved from <http://www.elmostrador.cl>

The present investigation has shown that in Chile constituent processes have always been led and completed by a political elite backed by the Military. According to Fuentes, the justification for excluding the citizenry from the process of defining the Constitution has varied over time: from a paternalistic attitude by the elite towards the masses, considered 'uneducated' (nineteenth century) to that same attitude now mixed with the elite's fear of the 'tyranny' of the majority and the impossibility of gathering the opinions of the citizen in a mass society (twentieth century until today). It is true that these might have been the *reasons* used by the elite to monopolize politics for two centuries. However, only a proper understanding of the political imaginaries and self-understandings at work behind Chile's political history can help us correctly interpret these exclusionary practices. And to be sure, the political tension between *representation* and *participation* remains as vivid today as it was yesterday.<sup>400</sup>

Today, however, different groups from civil society are mobilized. Besides students, teachers, workers and those citizens organized in *Asambleas Ciudadanas*, new initiatives have emerged to promote the formation of a Constituent Assembly, such as *Marca Tu Voto* ('mark your vote!') which achieved national visibility last year.<sup>401</sup> In September and October 2013, a survey by the Centro de Estudios Públicos showed that a 44,7 per cent of the population agreed with the realization of a Constituent Assembly.<sup>402</sup> Due to this pressure of the citizenry and during much of 2013, Michelle Bachelet did not discard the possibility of a Constituent Assembly; and when she finally announced her decision to reform the Constitution from within Congress, a great number of politicians had a good reason to celebrate. On that occasion, former Treasury minister of Bachelet's first administration, Andrés Velasco, remarked: "One of the good pieces of news of the program launched today by Michelle Bachelet is that the silly idea of a constituent assembly seems to have been buried – something that I welcome."<sup>403</sup>

When we consider the constitutional problem in Chile from the historical perspective undertaken here, it is palpable that many unresolved national issues and problems remain after two hundred years of independent history; or more precisely: a host of citizen demands have not been accepted or embraced by the constituent elites. This host of unresolved issues might give a general idea of the conceptions of the good and political self-understandings contained in that popular-democratic imaginary that had developed since 1830 adopting different forms and surviving through varied structures and types of organizations, but nonetheless have survived and are real and active in Chile's contemporary democratic culture. At least since 1823, a great

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<sup>400</sup> Claudio Fuentes, *El Pacto: Poder, Constitución y Prácticas Políticas en Chile (1990-2010)*, Santiago: Ediciones Universidad Diego Portales 2012, pp. 219-240

<sup>401</sup> Pablo Marshall & Beth Pearson, "'Marca tu voto' for a constitutional assembly: Direct democracy in Chile's 2013 presidential election", *Open Democracy* (4 December 2013), Retrieved from <http://www.opendemocracy.net/>

<sup>402</sup> Centro de Estudios Públicos, *op. cit.*

<sup>403</sup> Andrés Velasco, "Velasco y programa de Bachelet", *El Mostrador* (28 October 2013), Retrieved from <http://www.elmostrador.cl>

portion of the citizenry has demanded at least three things: i) relative economic and political autonomy for the productive regions (and the communes, following today's territorial distribution); ii) citizen participation in the decision-making process as concerns local and national development and a real 'governance' logic (the representatives follow a previously deliberated citizen mandate, the positions are revocable, etc.);<sup>404</sup> and iii) a state which promotes and guides the industrial development of the country and is able to perform social, cultural and economic integration. More detailed policy measures, as expressed in current citizen language, concern the need to nationalize natural resources (copper, lithium, etc.), a new Labor Law, the socialization of the pension and health care systems (AFPs, ISAPRES), a new (free and public) educational system and recognition of indigenous populations (Mapuches), amongst many others.

The historical continuity between the past and the present is shown in that the first three demands identified above constituted the core program of the 1820s *pueblos* movements and that revolutionary democratic and liberal thought of the nineteenth century. They also underlie the struggles of the 1900-1925 phase, coinciding point by point with the *principios fundamentales* of the workers and intellectuals in 1925 which have influenced the *modus operandi* of popular power politics since the 1940s. Today, these political ideas and imaginaries continue to exert a powerful influence in the national debate and inform one of the main strands of Chile's democratic culture.

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<sup>404</sup> On the concept and practice of 'governance' (*gobernanza*) see: Pierre Calame, *Hacia una Revolución de la Gobernanza. Reinventar la Democracia*, Santiago: LOM Ediciones 2009

## V. CONCLUDING REMARKS

“No state can survive for long if it is wholly alienated from civil society. It cannot outlast its own coercive machinery; it is lost, literally, without its firepower. The production and reproduction of loyalty, civility, political competence, and trust in authority are never the work of the state alone, and the effort to go it alone... is doomed to failure.”

Michael Walzer

“Legitimacy involves the capacity of a political system to engender and maintain the belief that existing political institutions are the most appropriate or proper ones for the society. The extent to which contemporary democratic political systems are legitimate depends in large measure upon the ways in which the key issues which have historically divided the society have been revolved.”

Seymour Martin Lipset

### *The founding period as the matrix of Chile's political culture*

Charles Taylor's imaginaries approach has served as a guide to explore the cultural face of Chile's political modernity by attending to the unique way in which the modern social imaginary has been re-configured when placed within a pre-modern Hispano American social imaginary.

As was shown, this colonial world displayed a tension between the universalist sovereignty of the Empire and the localist sovereignty of the *pueblos* or productive communities. This tension grew significantly in 1700 with the rise to power of the Bourbon dynasty in Spain. The political absolutism and economic mercantilism of the eighteenth century with the corresponding advent of a colonial commercial bourgeoisie in Santiago overshadowed the production-oriented republican traditions of the *pueblos*. These old conflicts were revisited after Independence when Chileans faced the task of organizing their nation. And although the agreement founded a 'republican' form of government, it soon became clear that this word could mean many different things to different people. To Juan Egaña it meant the rule of the *ottimati* or a virtuous aristocracy; to the federalists it meant 'democracy'; to Diego Portales, the despotic rule of one man. Towards 1828-29, however, the country became polarized around two clear political groups producing what above was called the 'founding clash' between two radically different state-building projects. On the one hand, the conservatives –composed of *pelucones*, O'Higginists, great merchants and the Church— advocated a peculiar combination of a quasi-monarchic state (towards which the citizens –the old subjects— who were expected to show complete obedience) with an ethos of modern individualist liberalism. The Constitution of 1833 gave life to this view and during the 1830s the more limited interpretations of republicanism

converged in supporting anti-democratic institutional arrangements. On the other hand, liberals, *pipiolo*s, federalists and the popular classes, though also impregnated by liberal ideals, relied on their century-old social memory of political self-determination and on local customary law (*Derecho de los Pueblos*). The encounter of the modern imaginary with this peculiar pre-modern understanding of order produced, in 1828, a ‘moderate’ federal (or decentralized) state which resolved the centralism-localism power relationship in a balanced way: the governability of the ‘nation’ was secured while at the same time respecting the autonomy of the *pueblos* and their deliberative and direct democratic practices. In terms of rights, it was a liberal and democratic state with a universalist approach towards citizenship for whose acquisition neither literacy nor patrimony were necessary requisites and without colonial enclaves (notably, *mayorazgos* were abolished). These were the marks of the 1828 ‘liberal’ Constitution.

It is difficult to establish a *direct* influence of European ‘romantic-expressivism’ –in Taylor’s sense—on the formation of this typically Chilean ‘popular-democratic imaginary’.<sup>405</sup> Based on the evidence we have been able to collect, it seems more plausible to claim that this strand of Chile’s political culture stems from local sources. The affirmation of the value of community over individualism, (local) production over (national and international) commerce, and deliberative democracy as against centralism and elite rule, owe mainly to the political and economic traditions of the *pueblos*. In comparison to these traditions, the influence of a romantic-expressivist political thinker like Rousseau is insignificant. Independent of what some of the leaders of this movement might say in this regard, the liberal and federalist governments of the 1820s were not so much attempts to imitate models imported from the United States of America or Europe. Instead they were a more or less conscious continuation of local indigenous customs and habits. It was precisely as a *reaction* against a pattern of nation- and state-building following European and heteronomous formulas (led by men such as Rodríguez Aldea or Juan Egaña) that the old *pueblos* traditions finally constituted into a modern and coherent political imaginary.

While the ‘*vecinos con casa poblada*’ (‘home-owning neighbors’) of all the *pueblos* of the country understood political power to be an associative construction, the mercantile and conservative aristocracy of Santiago understood and applied a universalist and vertical conception of power similar to that of the Spanish Empire, the Church and an increasingly globalized market. The point I want to make now is that both of these colonial self-understandings were to find an affinity with modern ‘atomistic’ and ‘communitarian’ strands within liberalism.

But to make even clearer what is involved here, we should distinguish between what Taylor has termed ‘ontological’ versus ‘advocacy’ issues. Ontological issues “concern what you

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<sup>405</sup> On ‘romantic-expressivism’ see chapter 8.

recognize as the factors you will invoke to account for social life” and so permit us to divide political and social thinkers into the categories of ‘atomists’ and ‘holists’. The first, atomists, are those like Hobbes, Locke and an individualist strand in political philosophy until today, for whom society is ultimately made up of separate, disengaged individuals; and for this reason “you can and ought to account for social goods in terms of concatenations of individual goods”. In contrast, holists recognize the ontological social embedding of individuals, as Rousseau, Hegel or Marx would have it.<sup>406</sup> Advocacy issues, on the other hand, “concern the moral stand or policy one adopts” and from here two main positions also arise: individualists give priority to individual rights and freedoms whereas collectivists give pride of place to community and common goods.<sup>407</sup> Taking the distinction between issues of ontology and advocacy into account, we may well characterize the liberal-democratic movement of the 1820s in Chile as ‘holistic-individualist’, in that while relying on a communitarian social imaginary it prized and promoted liberty and individual rights. For its part the Portalian tendency could be described as ‘atomistic-individualist’ while retaining a conservative-religious outlook, at least in its initial phase. The initial conservatism, reflected in the 1833 Political Constitution, later gave way to an increasing liberalization, especially after 1861. Nonetheless and importantly, it did so without ever abandoning the atomistic ontology that sustained this Chilean constitutional tradition.

From 1818 forward an individualistic and abstract political philosophy seeps into Chilean constitutional texts, in overt contradiction to the typically ‘communitarian’ or holistic notions of the *pueblos* imaginary. In depriving citizens of the right to assembly and local self-rule the authoritarian Bernardo O’Higgins wielded vertical power without any counterbalance. Citizens were now mere bearers of individual rights and duties and sovereignty was conceived as located in ‘the Chilean Nation gathered in society’, an abstract and single entity in contrast to the factual plurality of the traditional communities or *pueblos*. In this way, the Portalian state – that in some senses was O’Higgins’ legacy— became thus constituted by three central constitutive elements: a) an atomist social ontology, whereby individuals are conceived in isolation from their *pueblos* or original political communities; b) the concept of a vertical, monarchic sovereignty: unitary, centralist and necessarily abstract; and c) the advocacy of a contradictory set of conservative (colonial-religious) and liberal values and rights accompanied by a backward-looking general mentality. On the other hand the liberal-democratic movement of 1823-28 which brought in the 1828 Constitution was based on a wholly different set of assumptions. Since the community-*pueblo* was the locus of original power, this political movement implicitly relied on a) a holistic social ontology; b) a bottom-up sovereignty concept which allowed it to rapidly develop a concrete understanding of the modern principle of Popular

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<sup>406</sup> Taylor, *op. cit.* 1995, p. 181

<sup>407</sup> *Idem.*, p. 182



Sovereignty; and, finally c) individual liberties were strongly defended and guaranteed by the Constitution.

The tendencies just described will continue to influence Chile's political culture as it develops. We will come back to this below, but before that we should recall the specific way in which the transition to political modernity came about.

Similar to the case of the United States of America, Chile enjoyed what was initially a smooth transition thanks to the existence of traditional local law and a set of pre-modern 'republican' practices. The fact that the 1810 revolution was carried out by affirming those laws and practices reveals that Chileans were still living under the old imaginary. Only the liberal-federalist movement of the 1820s brought with it the modern sense of a radical rupture, in which –to paraphrase Taylor— the idea of foundation acquired a secular meaning: people saw themselves acting together in purely contemporary time, without requiring the validation of traditional law. Here lies the importance of the 1828 Constitution, which we saw is the only freely accorded constitution in two hundred years of Chilean history. Popular sovereignty –a central pillar of the modern social imaginary— could be invoked because it found a suitable institutional arrangement. There was universal acceptance among the creole of elected assemblies as legitimate forms of power, such as the Provincial Assemblies and National Congresses. Thus, like the American case, the Chilean revolution began on the basis of one idea of legitimacy and ended with the endorsement of quite another one. This process occurred in the context of increasing internal political conflict without, however, a radical break. We will do well to remember again that when in 1810 the Chilean creole broke with Spain, power naturally passed to the existing *cabildos* and then to the '*Cabildo de cabildos*': the National Congress. The wars of independence (1814-18) and the internal revolution of 1823 radicalized things. A lively public sphere began to fulfill a secular legitimation function of the new order. The 1828 Constitution finally found itself squarely within the modern moral order; it represented the fruit of the will of a people, one that required no preexisting Law in order to exist and act as such, but could see itself as the source of law.

The problem was that while Chilean liberals and federalists thought of the central or national state (and its Constitution) as the 'creature' of the *pueblos* or provincial states, Santiago's aristocratic and conservative groups sought an abstract, unitary and centralist state cut off from the bases. The latter state-building project and its centralist pretensions might have been a legitimate route to follow –as the American Federalists did— if their advocates had not resorted to military violence for imposing it at the expense of the former. The 1829-30 civil war would set a bad precedent in the political history of this country. Besides the use of violence, the winners of the Battle of Lircay abolished the political tradition of the *cabildos*. After 1830, the *pueblos* and communities were under the direct control of the Intendant and Governors, who

were in turn designated by the President. The 1854 Organic Law of Municipalities only strengthened what was already an overwhelming state centralism.<sup>408</sup>

As the unilateral expression of *one* of the two conflicting imaginaries in dispute, the 'Portalian state' was the outcome of Chile's founding transition to democracy. But despite its illegitimate origin, later historians invented a narrative that glorified its 'qualities'. Or maybe, *precisely because* this state was illegitimate and therefore could not be measured against modern and secular political standards, it had to justify itself by recurring to epic historiographical language. The new nation and the 'order' it brought were therefore induced into a process of reification. As a result, the Portalian state came to symbolize to the later generations an act of foundation "displaced onto a higher plane, into a heroic time, an *illud tempus* which is not seen as qualitatively on a level with what we do today", where the 'heroic' deeds of the minister Portales and Generals Prieto and Bulnes seemed not to have taken place just in an earlier time of Chile's history "but in another kind of time, an exemplary time."<sup>409</sup> The Portalian state became a popular myth thanks to which the 'real' popular-foundational acts of 1828 became obscured and forgotten.

But was the imposition of the Portalian state a necessity in face of the (allegedly) internal disorganization of the nation? Was it the only way to generate conditions of unity and institutional stability in the new Republic? It is true that in colonial times and during the first part of the nineteenth century the *pueblo* was the self-governing community, the political unit in Chile with real power. Chileans had a sense of forming local collective agencies. However, what occurred between 1810 and 1828 was a progressive drift of power from the *pueblos* in the direction of the construction of a (moderately federal) *national* state, a process that was successfully completed. In this sense, the collapse in 1830 of the bottom-up-constructed-state was not due to the inability of Chileans to become a nation but rather, as we saw, to a violent interruption of this process and the subsequent imposition of an alternative state-project which then became the matrix of the nation. Following somewhat freely E. S. Morgan's argument with respect to the American case, one could claim that Chile remained politically 'stable' from 1830 onwards because its founding fathers invented the abstract and unitary idea of the Chilean people. It was used to impose a government on the new nation and as a 'fiction' supported the interests of the few in the name of the many.<sup>410</sup> It may be that when a people do not understand themselves as forming a collective agency, nations have to be radically 'invented' from scratch, but according to the investigation thus far, this does not seem to have been the case in Chile.

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<sup>408</sup> Gabriel Salazar, *El Municipio Cercenado: la Lucha por la Autonomía de la Asociación Municipal en Chile. 1914-1973*, Santiago: LOM-ARCIS 1998, pp. 5-60

<sup>409</sup> Taylor, *op. cit* 2004, p. 97

<sup>410</sup> Edmund S. Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America*, New York: W.W. Norton & Company 1988

The 1828 Constitution had crystallized a shared sense of 'national' agency and expressed the people's powerful sense of sovereignty and citizen efficacy: due to its democratic construction and affinity with the prevailing popular imaginary, that constitution was felt like 'ours' by a great majority of Chileans. The same cannot be said of the 1833 Constitution which, as we saw, was the fruit of war and was written by a small Constituent Commission only representing the interests of an elite. Whether the 1828 state could have ended the period of constitutional experimentation and secured a long-term political stability will always remain a mystery. But that it enjoyed a great deal of internal legitimacy is something beyond doubt.

At this point, a reference to Mario Góngora's controversial thesis seems unavoidable: "The [Chilean] state is the matrix of nationality: the nation wouldn't exist without the state, which has shaped it throughout the nineteenth and twentieth centuries."<sup>411</sup> Although Góngora did not explicitly provide a definition of what he meant by 'state', it is understood that he is referring to the Portalian state. It is clear that the state founded in 1830 shaped Chilean society during the rest of the nineteenth and twentieth centuries, and that specially until 1861 it dominated and molded civil society, the economy as well as the public sphere. Civil society, however, was not dead, and counterattacked whenever opportunity arose: through citizen riots, military insurrections, the formation of underground political associations and mutual societies, popular-constituent movements and student demonstrations. Under these conditions of being constantly checked and evaluated by the people, the state cannot remain stable in the long run if it becomes completely divorced from the will and aspirations of the citizens. Or as Michael Walzer concisely put it, "no state can survive for long if it is wholly alienated from civil society."<sup>412</sup> In contrast Mario Góngora's thesis retains a conservative flavor in that it treats the state as a quasi-metaphysical entity shaping society from above, rather than seeing it for what it is: an historical construction. The period between 1810 and 1828 demonstrated how *preexisting* political ties and solidarities had allowed Chileans to successfully organize a series of constituent movements, finally creating the political institutions *they* deemed most appropriate under the historical conditions and needs of the day. To affirm that the Chilean nation was born after 1830 and as a consequence of the heteronomous Portalian order is to embrace a rather one-sided view of Chile's political history. But what is worse is that Góngora's thesis perpetuates that misleading image, the fruit of nineteenth-century conservative historiography, of the Chilean nation as a homogeneous territorial and blood-based community, thus erasing from Chilean collective memory its early republican history as well ignoring the country's existing regional, ethnic and cultural diversity.

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<sup>411</sup> Mario Góngora, *op. cit.* 1986, p. 59

<sup>412</sup> Michael Walzer, "The Concept of Civil Society", in M. Walzer (ed.), *Toward a Global Civil Society*, Providence: Berghahn Books 1995, p. 21

In what we have termed the ‘founding clash’ there were not only economic ‘interests’ involved –as sometimes the analysis of Gabriel Salazar and other social historians tend to suggest— but above all wholly different ways of understanding ‘the social’ sphere. In our terms, what clashed were two different social imaginaries. We have attempted here to suggest that whereas a sector of Santiago’s intelligentsia embraced a modern atomist social imaginary while retaining centralist, authoritarian and conservative-religious residue of colonial imperialism, elite as well as non-elite segments of the provincial *pueblos* were the most resolute defenders of liberal values –freedom of press, thought, movement, voting rights, abolition of *mayorazgos* and slavery— while retaining the communitarian ontology of the pre-modern social imaginary of the Hispano American peoples and its deliberative, self-governing democratic practices. We also noted that from a more general standpoint, this conflict may be seen as symptomatic of an inherent tension at the heart of the modern social imaginary between an ‘ethos of commercial society’ with its atomistic-objectifying view of human affairs on the one hand, and the demands of freedom and self-rule by an ‘ethic of civic humanism’ on the other. Whereas in the public sphere and in our self-governing practices we imagine ourselves as collective agents, in the economy we are mere self-regarding individuals performing activities of exchange, invisibly coordinated by impersonal forces of the market.

These initial tendencies will reproduce themselves during the subsequent course of the nineteenth and twentieth centuries in Chile. How will these two political self-understandings evolve? <sup>413</sup>

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<sup>413</sup> Before continuing, there is a general point to make regarding Chile’s founding transition to modernity. Challenging the view that liberal modernity emerged out of Lockean natural-rights ideology, revisionist historians have shown that continuity lies in a long republican history in the West. Regarding the ideological roots of the alternative republican currents present in the early history of Chile, we have been able to identify the roots of the former in the thought of Juan Egaña, who –interestingly—venerated the ancient Roman precursors of republicanism, such as Cicero, Livy, and Tacitus. Now it is characteristic of this Roman republicanism its distrust towards citizen participation and democracy, prioritizing strict observance of the law as the only way of securing freedom. In America Madison can be said to represent a neo-Roman republicanism, very much allied with the modern liberal spirit, in which society is conceived as instrumental for the satisfaction of individual needs and self-government and democracy are terms that cause fear and should be avoided. The late Camilo Henríquez was inspired by this republicanism. In a word, the politics of representation inaugurated by these Chilean authors has affinities to a liberal or instrumental conception of republicanism (neo-Roman). On the other hand, the democratic federalism of the *pueblos* put forward a politics of sovereignty in which the active participation of the citizens at the local (neighbors) and national levels (deputies) and their capacity for self-rule were considered ends in themselves. This federalist project was based on a democratic republicanism, which presents affinities with a neo-Athenian or neo-Aristotelian view of the republic. It is true that the post-independence democratic republicanism naturally arose in Chile from an indigenous popular imaginary, the ‘*democracia de los pueblos*’. But it is no less true that scholastic theories played a decisive role in articulating and legitimating the old *Derecho de los Pueblos* during Colonial times as in the case of Francisco Suarez, generally regarded among the greatest scholastics after Thomas Aquinas. The old doctrine on the popular (communitarian) origin of power at the base of the 1810 constitutional revolution is in consonance with an Aristotelian-Thomist political notion of politics. What allows this popular imaginary to connect republicanism with democracy is an underlying communitarian social ontology, in the sense claimed by Aristotle that man is by nature a political animal and that the political association completes and fulfills the nature of man.

### *Influence of the earlier imaginaries on subsequent political history*

My claim was that this 'Portalian' conception of the state underwent many changes through the nineteenth and twentieth centuries but essentially remained as an anti-democratic 'politics of representation', based on the reification of the post-1830 order. Since this order was untouchable and unsusceptible to criticism, 'democracy' had to presuppose it. But then what sort of democracy was this? It could only become (and did become) a self-referential system. 'Politics' becomes progressively understood as the exclusive activity of politicians, who are in charge of the functional administration of a state that *already* exists, following a political constitution that *already* exists. Similar to a gracious king, the almighty Constitution then 'concedes' to citizens the right to regular elections, securing at the same time the protection of civil and political freedoms. As demonstrated above in this thesis, this 'politics of representation', could only be maintained over time by reproducing its original model, that is, by preventing two things from happening: i) the construction of citizen identity in the context of a citizen culture or political community and ii) the construction of the state, that is, the historical realization of the sovereignty of the citizens.

In other words, the anti-democratic or Portalian imaginary which in Chile coincides with 'official' history (political memory) and the constitutional tradition, has based its 'institutional stability' (or more precisely: durability) on a continuous effort to dismantle the popular-democratic imaginary, and this attack has been on two flanks: 1) on the structural level, as it occurred with the abolition of the *cabildo* and creation of the municipality; the attack on productive guilds; the economic liberalization and subsequent destruction of productive communities; the workers' massacres in the North and the decline of so-called *Sociedades Mancomunales*, amongst others, which produced in the long run a process of social atomization, individualism and loss of sovereignty; and 2) by exerting direct military repression against citizen uprisings and social movements. And all this, in the name of 'order'. The Portalian order has been a powerful *idée-force* to which the factual powers (economic, political and military) have resorted in order to legitimate a two centuries old 'politics of representation'. In diverse ways the 'democratic republic' inaugurated by Alessandri and Ibáñez in the 1920s, the dictatorship of Pinochet and the Concertación governments (1990-2010) have re-enacted this old doctrine.<sup>414</sup> Naturally today the talk is not about 'virtue' or 'republican stability' but on '*gobernabilidad*', meaning that political institutions should ideally operate undisturbed, without

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Participation is therefore central to politics, a good in itself. Cf. Cécile Laborde & John Maynor (eds.), *Republicanism and Political Theory*, Malden: Blackwell Publishing 2008, pp. 1-22

<sup>414</sup> The parties of the center-left Concertación have depoliticized civil society in order to preserve macroeconomic and political stability pursuing a mode of linkage with civil society designed to promote their electoral success with only minimal organization and participation by their grassroots constituents. See Paul W. Posner, "Local Democracy and the Transformation of Popular Participation in Chile", *Latin American Politics and Society*, 46, 3 (Autumn) 2004, pp. 55-81

confronting the plurality of voices and challenges emanating from the citizenry. The existence of the binomial system is based on the same premise. This is a repetition of the old creed according to which the 'law' ought to be respected and blindly obeyed without inquiring into the circumstances under which that 'law' was established.

On the other hand, under the guise of the federalist republicanism of the 1820s the 'democratic moment' of Chile's early republicanism re-emerges during the nineteenth century "every time the suspicion of despotism arises in the republic. This republican model will be invoked as an alternative to the emptiness of public life and against the weakening or the complete absence of political civic life in Chile."<sup>415</sup> Ideologically, the federalist philosophy affirmed its popular ideal of self-government as the best remedy against despotism, both in its aristocratic (Juan Egaña) or strong presidential form (Mariano Egaña), each sustained by a top-down legitimacy principle. I argued that this first pro-democratic movement represents the earliest manifestation of a post-independence 'politics of sovereignty' which, like the mole moving under the surface of the earth, will become the driving force of a series of social movements of a constituent kind, with public eruptions in the later history of the twentieth and twenty-first centuries. The 1918-1925 popular constituent movement is a case in point.

As narrated in part IV, the history of this movement is inextricably linked to the name of Luis Emilio Recabarren, for whom the project was nothing less than the 'reconstruction of the state by the people'. In 1918 the *Asamblea Obrera de Alimentación Nacional* (AOAN) was formed, calling on citizens to participate in a deliberation process. The workers decided to establish a 'Popular Congress' parallel to the National Congress. The masses went to the streets to march and demonstrate. Finally, the committee of the AOAN submitted to the President of the Republic a set of bills in the form of an ultimatum to be passed by the legislature and approved by the executive. This movement was defeated but it reemerged in 1923-25 as co-legislative dual power with a special emphasis on education, a main problem of the day. Rejected by President Alessandri Palma, in 1925 the movement then called a Constituent Assembly of Workers and Intellectuals. When the Constituent Assembly was formed Alessandri, invited by the Military Junta, finally boycotted this citizen process. It was Alessandri himself along with his advisors who ended up drafting the Liberal Constitution of 1925. Though the misery of those days and the galloping inflation were grievous enough, I argued that the problem of legitimacy in those years must be understood by seeing Chilean society in the light of the social imaginaries which it presupposes. In fact it was shown that the 1900-1925 citizen movement and its 1925's 'fundamental principles' centered on production, participation and decentralization which were

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<sup>415</sup> Castillo, *op. cit.*, p. 210

the programmatic contents of the 1820s social movements, which, a century earlier, expressed one and the same popular-democratic imaginary.<sup>416</sup>

The resurgence of sovereign politics during the first fourth of the twentieth century occurred after a period of ninety years latency, during which this popular-democratic movement virtually withdrew from the public arena. It is true that throughout the nineteenth century the Portalian order was challenged several times. Mutinies and riots of all sorts did emerge during its 'conservative' phase (1830-37, 1848-51, 1859) and also in its 'liberal' phase (1891). However these were isolated insurrections that were partly soothed through the creation of the Liberal Party and the progressive liberalization of the 1833 state. It was only towards the beginning of the twentieth century and after the workers massacres during the parliamentary phase (1903, 1906, 1907) that a genuinely sovereign-political movement began to emerge. Contrary to the previous outbursts of indignation, this movement came up with a positive agenda. The plan was the construction of a new state to replace the old one based on a typically Chilean conception of democracy. But how did this democratic imaginary survive, say from 1830 to 1920?

The existence of liberal political associations was certainly important in this respect. We mentioned as a paradigmatic case the creation of the *Sociedad de la Igualdad* in 1851. Sergio Grez has characterized the political thought of the artisans and workers of the nineteenth century with the expression 'popular liberalism' which, according to him, is "structured around the ideas of cooperation and 'the regeneration of the people' which were disseminated by the more advanced liberal groups that had encouraged the popular societies since the beginning...".<sup>417</sup> This popular liberalism was therefore an interpretation of liberalism by the leading classes, which included secularism, public education, industrial development and the consolidation of republican representative institutions, amongst other measures and ideas. Grez does not fail to observe that "disagreements arose between the liberalism of the dominant classes and that of the popular world."<sup>418</sup> According to Grez, the *Sociedad Unión Republicana del Pueblo* (founded in 1864), the *Sociedad Escuela Republicana* (1876) and the Republican Party (1879) are three representative institutions illustrating this popular liberalism. Francisco Bilbao, Santiago Arcos, Ambrosio Larrechada and the rest of the liberal leaders who had so 'enlightened' the popular classes spoke in the name of revolutionary liberal ideas brought from Europe; in particular, the first ideas of the French socialism and its notion of the power of the proletariat. Later on, the Democratic Party was going to institutionalize this ideological tendency.

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<sup>416</sup> Or better put: since we may see social imaginaries evolving through 'abeyance structures', what occurred towards the beginning of the twentieth century in Chile might better be formulated as the expression of a social imaginary which harks back through a series of such changes to the original *pueblos* one.

<sup>417</sup> Sergio Grez, *De la Regeneración del Pueblo a la Huelga General. Génesis y Evolución Histórica del Movimiento Popular en Chile*, Santiago: Centro de Investigaciones Diego Barros Arana 1997, p. 524

<sup>418</sup> *Ibidem*

But behind the working of these political associations and parties, we saw the crucial role played by mutual aid societies in keeping alive a sovereign political identity, as the historian Gabriel Salazar convincingly has shown. In contrast to those liberals, radicals and democrats who had sworn to change the 1833 Constitutions ‘from the inside’ but who ended up in the Liberal, Radical and Democratic parties laying the groundwork for the infamous ‘parliamentary oligarchy’ of the period 1891-1925, the popular classes –especially the craft trades—strengthened their ties through ‘mutual societies’ which, from 1850 onwards rapidly multiplied, aside from party politics. Aiming to achieve the self-management of a common monetary fund in order to secure for their members the means of subsistence as well as communal living space, these mutual societies preserved the sovereign traditions of the old *pueblos* under the 1833 state. Contrary to the liberal and parliamentary ‘politics’ of the turn of the century, they could claim to maintain the bases of a ‘politics of sovereignty’ which, towards 1918, emerged as a seven year-old constituent movement at a time when the ‘parliamentary oligarchy’ had lost its credibility and the Chilean political system was undergoing a deep crisis of representativeness.

In the period between 1830 and 1920, after the 1820s liberal-federal movement died out, few opportunities existed for dissidence. With the help of Verta Taylor I argued that in this non-receptive environment ‘abeyance organizations’ such as underground political associations and mutual aid societies emerged in Chile as alternative structures thus allowing a channel to challenge the *status quo* and to permit the survival and reproduction over time of the movement until more favorable political conditions returned and it could be further developed. As I pointed out in chapter 9, these abeyance structures permit future mobilizations, firstly through the pre-existence of activist networks, an existing repertoire of goals and tactics (thus influencing the goals and tactics adopted by the same movement in subsequent mass mobilization), and through a collective identity constituted by mostly unarticulated shared self-understandings. Our case study suggests that social movements do not ever die nor are they born completely anew; rather, we should speak of one continuous movement, based on imaginary, practices and values, on memory and links of solidarity that are passed on from generation to generation.

The outcome of the 1918-25 years, however, was the continuation of the *status quo*. The social actors (FOCH, FECH, AGPCH, the younger military officers, etc.) were defeated by the political classes headed by President Alessandri and supported by senior Army officers. The new constitution –a reform of the 1833 Constitution— continued and consolidated the Portalian legacy and a hundred-years-old representative politics which could now only survive by enslaving and anesthetizing the people. In times of social misery and a deep legitimacy deficit, only a populist policy could maintain the institutional *status quo*. The ‘national-populist’ (or ‘democratic’) phase of the Republic started with the charismatic leaders Alessandri Palma and Ibáñez del Campo and with ‘successful’ results: many of the dissident groups fighting against the oligarchy became institutionalized (that is, in a way ‘portalianized’): the Communist Party



(1922), the Socialist Party (1933) and from them later on the Christian Democratic Party (1957). Thus, through 'populist promises' that the representatives needed to make in order to become elected, the country advanced in the democratization of its political system and in economic development which also led to a monstrous increase of the bureaucratic apparatus, marking an absolute peak during the period 1964-1973. Presidents Frei Montalva and Allende Gossens did everything they could to reform state structures *from within* the limits set by the 1925 Political Constitution. They were both unsuccessful. The pseudo-democratization process that took place during the period was perfectly aligned with the 'realistic', thin democratic conception that the 1925 liberal state had already willingly embraced. In sharp contrast to the sovereign movements of the early twentieth century, by mid-century the streets were the site of mass demonstrations and strikes by the workers. But the matrix of the state remained unchallenged. Moreover, and despite the attempts at structural reform, no true economic development took place and economic stagnation set in. This is the background against which the September 1973 coup and the establishment of the military regime took place during which the current (neoliberal) system was implemented.

According to the perspective taken by Taylor in a paper he presented in Chile in December 1986 and only recently published in its original language, two democratic models or 'ideal-types' were dominant at that moment and these were interestingly opposed.<sup>419</sup> In Taylor's view the first one has its roots in Schumpeter's 'economic' theory of democracy which in turn stems from the theories of Hobbes and Locke. "The crucial notions of this family of theories is that they conceive the political society as a common instrument set up to further the purposes of the individuals who constitute it" and that "a democratic régime in this scheme is one that is responsive to the purposes and desires of its members" in an impartial (fair) and effective way. According to this model the people are expected to 'participate' through universal suffrage and the formation of new political parties, "but it doesn't at all demand that people be more active than this, and actually participate in the making of policy and the taking of decisions."<sup>420</sup> In contrast to these economic theories, the second democratic model descends from one possible reading of Rousseau according to which "the possibility of democracy... is coterminous with the possibility of a general will, in whose elaboration all participate, and with which all identify." Influential heirs of this Rousseauian theory would be –following Taylor's argument— contemporary notions of radical participation (e.g. the rebellions of the late 1960s in Northern societies) and Marxism, especially in its Leninist variant, with its affirmation of something like a 'general will of the proletariat' led by a vanguard party in its struggle against capitalist society.

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<sup>419</sup> Charles Taylor, "Some Conditions of a Viable Democracy", in Renato Cristi & J. Ricardo Tranjan (eds.), *Democracia Republicana. Republican Democracy*, Santiago: LOM Ediciones 2012

<sup>420</sup> *Idem*, pp. 69-70

“La volonté générale marches forward in the late twentieth century in the guise of these régimes of mass mobilization, which have systematized oppression on a truly gigantic scale.”<sup>421</sup>

In fact, since the end of the nineteenth century, Marxist and socialist movements begin to have an increasingly notorious presence in the Chilean political arena associated to the foundation of the Democratic Party in 1887 and then to the workers movements during the period 1900-25 under Recabarren’s leadership. Nonetheless European socialism was only *one* source of these movements. As Carlos Ruiz Schneider observes: “The [1925] assembly elaborates in its sessions a set of ‘constitutional principles’ which constitute a strange articulation of ideas stemming from very diverse sources: socialism and anarchism are certainly present, but also a certain corporatism as well as some fundamental concepts assignable to the republican tradition.”<sup>422</sup> To this I would add: to an *indigenous* republican tradition. As part IV shows, during this crucial period what lied beneath the deep legitimacy crisis and what gave the main impulse and direction to the 1918-25 movements was the existence of a typically Chilean popular-democratic imaginary which, since the beginning of the Republic, developed in dialectical tension with the dominant ‘official’ political imaginary embodied in the representative institutions of the nation. However after 1925, this democratic imaginary entered into a new phase of latency: sovereign politics of self-rule disappeared from the public scene and was replaced by passive worker’s masses led by left-wing vanguard parties and labor union associations. This time the set of social and political initiatives known under the rubric of *poder popular* (‘Popular Power’) may be said to have served as abeyance structures which (at least partly) allowed the re-emergence of sovereign politics during the 1980s when an important sector of the Chilean population began protesting against the dictatorship, after the main left-wing organizations had been violently annihilated by Pinochet. In this respect, according to Taylor:

“...as citizens organize against an oppressive dictatorship, as is now the case in Chile, the participants can experience a strong sense of their common purpose, of their common dignity in taking a hand together in their fate. In this predicament of combat, the Rousseauian idea becomes real. Beyond their other differences, participants are aware above all of the importance of their common purpose, and feel quite rightly that achieving it will be a victory for self-rule. To come together in such a common purpose can be exhilarating. This is an important part of the experience of democracy.”<sup>423</sup>

While we may affirm with Taylor the existence of a ‘Rousseauian’ model of democracy in Chile, it is crucially important to distinguish its ‘Leninist’, monolithic version associated to the mass

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<sup>421</sup> *Idem*, pp. 72-73

<sup>422</sup> Carlos Ruiz Schneider, “La Idea Republicana y la Constitución de los Sujetos Populares en Chile”, in *República, Liberalismo y Democracia*, Santiago: LOM 2011, p. 51

<sup>423</sup> Taylor, *op. cit.* 2012, pp. 73-74

movements of the mid-twentieth century and which towards the 1970s and 1980s was in frank decline, from the sovereign-politics that have been a constitutive feature of Chile's political culture since its inception and whose last chapter is being written by the democratic mobilizations since 2011. I will return to this point again below.

On the other hand, the 'economic' model of democracy could be said to find a genuine and powerful expression in the 'neoliberal procedural democracy' that by the end of the eighties became implemented in Chile.<sup>424</sup> Unlike the Rousseauian model, here we find a more direct connection between theory and praxis. As Cristi and Tranjan recently argued in reference to the cited paper by Taylor:

"With respect to contemporary Chile one should note that Pinochet's dictatorship completely destroyed democratic institutions and this allowed for the authoritarian implementation of an economic model inspired by the Chicago School of Economics. The Constitution of 1980, a document partly inspired by Hayek's neoliberal philosophy, sought to consolidate a minimalist democracy functional to free market policies. The new constitutional model intended to prevent social mobilizations inspired by the general will. Neoliberal democracy conceives individuals as consumers solely motivated by their self-interest and that demand freedom in order to satisfy their aims without state interference. They are seen as willing to abdicate the public responsibilities in exchange of a higher standard of living. Institutions are not only able to function with low citizen participation, but this seems to be a necessary condition for their effective operation. Neoliberalism shuns democratic egalitarianism; inequality is considered to be a fundamental incentive of economic growth."<sup>425</sup>

Notwithstanding the undeniable influence of Schumpeter and Hayek, it is perhaps more important to notice the close affinity between contemporary neo-liberal democracy and the atomist-individualist and authoritarian 'official' imaginary which has shaped Chile's politics since 1830. Today, individuals (atoms) have become 'consumers only motivated by their self-interest', seemingly uninterested in taking part in the public affairs of the nation, while politicians have maintained reverence for the Constitution and the *status quo* (in this case, tacitly accepting the sovereignty of the Military Junta). As shown above, in the 1980 Constitution the gravitational center of power lied not on real subjects nor on the community but –again– on 'the state': the old (heteronomous) Portalian state, which according to the constituent elite of 1980 is

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<sup>424</sup> I'm taking this expression from Cristi and Tranjan. "Though Taylor does not use the expression 'neoliberal democracy', we have thought that its use is appropriate because of our interest in the possibility of applying his democratic views to Brazil and Chile. When Taylor refers to neoliberalism he locates it within a constellation of liberal systems of thought that derive from the contractualism of Locke and Grotius. In *Modern Social Imaginaries*, he explicitly associates neoliberalism with the invisible hand theory of Adam Smith and the notion of spontaneous order, the key notion of Friedrich Hayek's economic philosophy." Renato Cristi & J. Ricardo Tranjan, "Charles Taylor and Republican Democracy", in R. Cristi & J. R. Tranjan (eds.), *Democracia Republicana. Republican Democracy*, Santiago: LOM Ediciones 2012, p. 88

<sup>425</sup> Cristi & Tranjan, *op. cit.*, p. 102

‘unitary’ and ‘sovereign’. The Pinochet Constitution retained the quasi-metaphysical, abstract, and anti-democratic conceptual matrix of the 1833 and 1925 codes and it sought every legal device to neutralize citizen action while the President continued having extraordinary powers and a vertical, centralist political-administrative system at his disposal.

Today Portalian authoritarianism is reproduced in a strong presidential figure and in a restrictive representative system (‘protected democracy’, it was called); Portalian atomism and individualism, on the other hand, are reflected in a one-sided constitutional theory of rights which assigns moral status only to individual rights as such, prioritizing private property and freedom of contract, freedom of conscience and religion. Neo-liberal in its current format, this conception devalues the social and democratic aspects of the exercise of rights. All this has become the target of the new social movements in Chile. In contrast to the prevailing realistic-atomistic democratic model, these new movements have emphasized the importance of common goods, in particular public education and social rights and the need to establish a legitimate set of political institutions by means of a new constitution formulated and agreed upon in democracy.

Similarly contemporary forms of self-rule, including the student movements since 2011, the formation of autonomous ‘citizen assemblies’ unconnected to traditional political parties, and in general the widespread citizen demand for a new constitution by means of a Constituent Assembly, present undeniable affinities with a ‘holist-individualist’ political imaginary which understands democracy as a deliberative process in community, as a sovereign state-building process ‘from below’. Here there is a historical line that connects this last wave of sovereign-politics with the Popular Power-politics of the 1960s and 1970s, with the constituent movements of the beginning of the twentieth century and, finally, with the first pro-democracy movement in the history of Chile during the 1820s. In two hundred years of independent history, this *politics of sovereignty*: i) has never achieved its ultimate goal (constituent power materialized in a sovereign political constitution); however ii) it has undergone a long process of self-education: citizens have learnt to associate, deliberate, deal with the ruling class as a result of a history of social struggles. Interestingly, the recent wave of sovereign-politics in Chile has not simply left behind the old imaginary: it has not forgotten its traditions of direct democracy at the local level, community self-rule, and revolt every time its representatives abuse power. National history continues to shape the configuration of democracy in this country. This explains why national cultures of democracy differ from each other: the historical trajectory stretching way back, still colors the present understanding.

### *The present-day legitimacy crisis and prospects for democracy*

In opposition to the Rousseauian and economic models of democracy, Taylor introduces a third model which in his opinion “better portrays the essential nature of a viable democratic society.” Heir to the civil humanist tradition, particularly to the writings of Tocqueville and Hannah Arendt,

“it is a view which allows for the central place of rivalry and struggle in a free society –in this unlike the general will theory—but also sees the members as united around a central pole of identification –in this unlike the economic theory... The central pole of identity is what used to be called ‘the laws’, that is, the central institutions and practices of the political system. And this is seen and cherished as a common good, because it is seen as the common repository and bulwark of the dignity of all the participants. It is taken for granted that these will frequently be rivals... but an important dignity is thought to attach to being able to participate as an equal in these struggles, and the laws which safeguard this ability for all are understood to reflect a common will to mutual recognition of this ability, and hence an invaluable common good.”<sup>426</sup>

But how could Chileans identify with political institutions and practices that were dictatorially imposed on them? This brings us back again to the constitutional problem. As explained, the illegitimate *circumstances* under which the 1980 Constitution was produced determined its radically anti-democratic *content*: its intended purpose of neutralizing the agency of the people, preventing citizens from acting. In this sense, the constitution widened the already existing divergence between the citizenry and the political system. In fact, since the 1970s there is an observable decline in the rates of public trust towards Congress, the Judiciary, Ministers, etc. Today these rates are the lowest levels they have ever been in the country’s history, as documented in our Introduction. And this seems only natural. People cannot be expected to identify with institutions they did not help to build nor even consent to (through a non-fraudulent plebiscite, for instance). An important part of the present legitimization crisis has to do with the fact that an immense majority of Chileans do not conceive the current political constitution as ‘theirs’. This problem has an even deeper layer and a longer history, as this investigation has tried to show. We may usefully ask: do Chileans have a memory of the past in which they did take part –directly or indirectly—in the institutional (re)building of the ‘central institutions and practices of the political system’? Can we say that in Chile ‘the law and institutions of a democratic society are generally recognized as some kind of common expression and defense of a citizen dignity, in principle available to all’? If we stick to the historical facts, certainly not. The three most important political constitutions of the past two

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<sup>426</sup> Taylor, *op. cit.* 2012, pp. 74-75

hundred years were the product of crude imposition by an elite: conservative-mercantile in 1833, liberal-populist in 1925 and neo-liberal-military in 1980. These bare facts coupled with a certain historiographical distortion has led to a situation of social oblivion. According to Salazar this is the reason why the Chilean people “not only does not have memories about itself... but also lacks a clear consciousness of its sovereignty.”<sup>427</sup> The ‘official’ narrative –present also in official school history textbooks— is infected with political ‘heroes’ of dubious democratic reputation: O’Higgins, Portales, Prieto, Montt, Alessandri, Ibañez. Now, as Taylor points out, “social imaginaries are focusing on our political society, and an extremely important part of their self-understanding is the narrative element.”<sup>428</sup> And indeed, as the Chilean case has shown, the self-preservation of the official political imaginary until the present day has been to a great extent due to the particular interpretation a group of educated Chileans made of the founding period of the Republic. The following quote by the historian and politician Alberto Edwards (1874-1932) is illustrative in this sense:

“To morally restore the country after twenty years of anarchy, to bridge the gap between 1810 and 1830, to restore the interrupted [monarchic] tradition, a paradoxical and complex political genius like that of Portales was necessary; a man inspired by abstract and grandiose thought and at the same time so good at the tricks and the handling of detail as the most expert of politicians and professional agitators; immersed in tradition and deeply knowledgeable in the realities of the present; endowed with a view at once microscopic and telescopic, able to perceive distinctly and simultaneously, the great spiritual movements and small weaknesses and interests of men, the great lines of a political construction and the details of each moment. Thanks to his admirable qualities, he was, at the same time, the most perfect revolutionary and the ideal type of the constructive man: for this reason he has been compared to Julius Caesar.”<sup>429</sup>

As we saw, since Diego Barros Arana wrote his *Historia General de Chile* during the second half of the nineteenth century, a main line of Chilean historiography has interpreted the founding period in Edward’s fashion, namely demonizing the liberal-democratic period between 1823 and 1829 and glorifying the figure of Portales and the post-1830 institutional arrangements. This example shows just how essential narratives are because they lay claim to all the legitimacy that for Chileans the founding of the Republic represents. Interestingly, it is precisely this narrative about the greatness of the founding fathers, the Portalian state and the exemplary stability of our political system that has recently been challenged. The new narrative told by recent social movements and which generally is heard more frequently in the national debate is something like this: ‘We, the Chilean people, have never really exercised our legitimate constituent power as far as we can remember, and especially since Pinochet. Our demands have never produced

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<sup>427</sup> Salazar, *op. cit.* 2005, p. 21

<sup>428</sup> Bohmann & Montero, *op. cit.*, appendix, p. 205

<sup>429</sup> Edwards, *op. cit.*, pp. 65-66

any significant political transformations. We are unwilling to accept any longer that the fundamental terms of common life are those of Pinochet or of any elite.'

If, according to the official story, the 1830 state has created the nation and everything good that Chileans have enjoyed in the past two hundred years or so, then the true history of Chile becomes the glorious chronicle of the state, leaving in the shadows the history of the anonymous people, in other words, *ignoring the question of political legitimacy*. Marcos García de la Huerta in his remarks on Mario Góngora's famous thesis incisively observed in this respect that:

"The idea of the 'state as the matrix of the nation' leaves intact the problem of foundation and creates a series of difficulties and ambiguities linked to a statist conception of power and politics. In other words: it presupposes that state power is self-generated and is grounded in itself, which impedes viewing the relation between state and nation in a properly republican framework. On the other hand, that conception carries with it an [nineteenth-century] idea of nation... which omits the *demos*, the pre-political nation of customs and forms of life."<sup>430</sup>

A political science which espouses such a self-generating conception of power will most likely take 1830 as its starting point for studying the Chilean polity, leaving thus unexplored the founding period beginning in the crucial year of 1810. It will necessarily bypass the vital matter of the legitimation of power and embrace a 'realistic' democratic conception.

The gravity of the problem is that Chile's representative democratic system (and mainstream political science) has always ignored the particular way in which an important segment of the population has imagined its social life together, what we have termed the popular-democratic social imaginary. And this exclusion can only produce deep legitimacy crises. As mentioned, if during the National-populist period there was no such identifiable crisis, this was mainly due to the confluence of the two factors we explored: the existence of passive, petitionist masses on the one hand and a populist, presidential-authoritarian government, on the other. But today any solution to the contemporary legitimation crisis must confront the constitutional problem here exposed. In recent years, a number of prominent scholars and political analysts such as Alberto Mayol, Manuel Antonio Garretón, Gabriel Salazar and Fernando Atria, have suggested that only a new constitution agreed upon through the mechanism of a Constituent Assembly would relieve the social discomfort and set the bases for long-term political stability. It seems the only cure against the current malaise and Chilean's disbelief in their republican institutions. Without such republican re-founding –which must be in accordance with Chile's sovereign traditions— citizens will not enjoy a democratic polity for

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<sup>430</sup> Marcos García de la Huerta, "La Fundación del Estado y la Formación del Imaginario Republicano", in García de la Huerta & Ruiz Schneider (eds.) *República. Liberalismo y Democracia*, Santiago: LOM Ediciones 2011, p. 85

long, since as Taylor rightly says “the only enduring basis for this is where we see this polity and its laws as the common safeguard of citizen dignity.”<sup>431</sup> The political life in this country is still greatly influenced by the antidemocratic spirit of the 1980 Constitution and the citizenry has expressed its desire for moving away from a discrete democracy in which citizens make their voice heard every four years towards a continuous democracy in which citizens are constantly present, taking part in the decision-making process. Without a deep constitutional reconfiguration it is unlikely that the crisis of legitimation will be ever overcome.

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The present dissertation has been an attempt at providing a diagnosis of the current political situation in Chile by looking back into the founding period of the Republic. The core thesis is that the ongoing crises of representation and legitimation of the Chilean political system on the one hand, and the latest wave of protest and demonstrations revolving around broad political issues on the other, to a great extent respond to the particular historical circumstances under which the nation-state was constructed in this country. In the Chilean case there is no doubt that contemporary imaginaries bear the mark of their origins.

The characteristically authoritarian and violent form in which a mercantilist-aristocratic conception of the state and republican politics was imposed over and above the existing and well-entrenched popular imaginary and its state-building project and its later avatars during the twentieth centuries –the 1925 and 1980 Constitutions— provides a plausible explanation for understanding the unsettled character of Chile’s democracy and its long history of social movements. The conflict is to be found in the divergence between two radically different understandings of democracy which nevertheless co-exist within this polity, bearing in mind also that a ‘politics of sovereignty’, stemming from the original popular-democratic imaginary, has never been able to become institutionalized, mainly due to the repression exerted by the political and military classes against it.

In contrast to other Western liberal representative democracies, Chile’s ‘politics of representation’, as I have been called it, suffers both from original sin –the brute and unilateral imposition of the Portalian state— and from its periodical re-enactment, every time elites sense that their ‘system’ is jeopardized. Without any healing or repair of these ‘historical debts’ the overcoming our deepest political conflicts seems unlikely: the country will continue to be one of the most polarized political societies in the world.

In the twenty-first century, however, there are other processes taking shape in our globalized world that this study has ignored. It is at least important to mention some of these

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<sup>431</sup> Taylor, *op. cit.* 2012, p. 76



universal trends and speculate on their influence for the Chilean case. Since 2006 Chileans generally and in particular its youth have exerted a new type of power that may be judged negatively. To give two prime examples: demonstrations against for-profit education and the pension system (AFPs) have had great political impact in their capacity to oppose and immobilize the official (neo-liberal) agenda of the Piñera government (2010-2014); but while the general idea of free public education and of a new type of social pension fund were successfully installed in the public sphere, a positive and concrete proposal collectively articulated and sustained is still absent. Chile, however, is not alone in this respect. Counter-political movements are pervasive in our century as Pierre Rosanvallon has shown.

“The initial consequence of counter-political strategies and actions is to dissolve signs of a shared world. Reactive in essence, these strategies and actions cannot sustain or structure collective projects. The distinctive features of this sort of unpolitical counter-democracy is that it combines democratic activity with non-political effects. Hence it does not fall within the usual classification of regime types; it is a novel type, neither liberal nor republican, neither representative government nor direct democracy.”<sup>432</sup>

It is important to note the last remark in that these new forms in which democracy is exercised around the world would not fall within a republican, communitarian imaginary nor a more liberal-individualist one. If this is true, Rosanvallon’s reflections could greatly illuminate the recent movements of Chilean civil society, an assessment that would complement the analysis presented here. In an age of ‘generalized distrust’, counter-democracy appears to emerge as a common feature of modern societies. It cannot be simply understood, for instance, as an anti-neo-liberal manifest or as a critique against the shortcomings of representative democracy. This phenomenon seems to be more complex. “This disenchantment is not simply a question of disappointment that could potentially be overcome (say by procedural improvements in the system of representation). Rather, it reflects the impasse to which the combination of the democratic with the unpolitical leads. This insight forms the basis of the reflections that follow on the advent of a new democratic era.”<sup>433</sup>

We may thus speak of sovereignty in a positive as well as negative sense. ‘Positive sovereignty’ might suggest the existence of a sovereign culture emphasizing the sources of power and the common good; having accumulated a considerable *know-how* and developed their own political principles over time a civic culture demands to participate in the construction of the state, the market and civil society according to those very principles. Such a culture usually develops within the borders of national history, though it also can originate from older and broader social imaginaries encompassing the history of other nations, as the Chilean case

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<sup>432</sup> Pierre Rosanvallon, *Counter-Democracy: Politics in an Age of Distrust*, Cambridge: Cambridge University Press 2008, p. 23

<sup>433</sup> *Idem*, p. 24

indicates. This notion contrasts with what Rosanvallon called 'negative sovereignty': "the power of the people is a veto power"<sup>434</sup>, a democracy of rejection particularly aimed at specific measures, and which might partly inspire the latest wave of demonstrations in Chile.

In any case, a historical understanding of *national democratic cultures* is essential to make sense of the contemporary predicament. But we will never understand it if we look for universal traits, in the manner of contemporary comparative political science. More important than to corroborate the existence of political parties, peaceful negotiation, universal suffrage, and individual liberties, is to inquire into the actual democratic aspirations and self-understandings of the people and then question the degree to which the current political institutions and practices satisfy such aspirations and self-understandings. The present research has shown the historical gap between the former and the latter, which explains the current legitimacy deficit. Overcoming this crisis will be impossible if politicians and scholars continue to ignore this and propound Chile's compliance with minimal democratic standards. Moreover it is likely that an institutional crisis will occur in the context of a weaker economic scenario, not in the current conditions of full employment and economic growth. The difficulty of Bachelet and Piñera's governments to legitimate their education and environmental policies in the face of the people, the historically low rates of public trust in representative institutions and the massive ongoing social movements since 2006, together with the pressure for calling a Constituent Assembly, are eloquent historical signs that suggest that today's inaction could mean an institutional collapse of the political system in the not too distant future.

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<sup>434</sup> *Idem*, p. 15

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## VII. Appendix: Interview with Charles Taylor

### History, Critique, Social Change, and Democracy. An Interview with Charles Taylor

Ulf Bohmann & Dario Montero

**In your works, you make a strong claim about the usefulness – if not inevitability – of historical approaches to the social sciences and philosophy. Before we go into more detail – do you think there is a central reason of why to make use of *history in general*?**

There is a central reason: the inevitability of the narrative as a way of self-understanding. You could put it in this way: as a theory of natural science, the inverse-square law is completely timeless; it does not just apply here and now. You don't need to talk about development. So it may look as though a, let's call it, 'human' way of understanding is sub-scientific and you should get rid of it. Why I am so and so? Why do I act the way I do? The ideal seems to be to come up with timeless statements of what you believe or what motivates you. But this turns out not to be so. Alasdair MacIntyre says that understanding is narrative and that seems plainly true; but why? It has to do with the manner in which we actually understand things, which is in the order in which we grasp them, moving from an early state of confusion or disorientation, until you get the point. So the issue is: can that understanding be separable from the process of getting at it? In very many cases in life it can't be, because we understand what we now see as a truth as a result of an error-correction in relation to an earlier view. When people say in the modern secular age: "human beings stand on their own feet", this idea is what I would call a 'transitional understanding', an understanding based on a transition from the old days when we were under the thrall of traditions. Descartes really does this: ordinarily what we believe is what we were told by your preceptors, but I must take a step back and ask "what do I know now?". I get a sense of my own orientation as coming about through that radical shift, and here I discover a method. But the method itself only makes sense in terms of that transition: I'm understanding myself in opposition to a supposed past. There is an inescapable narrative dimension to this. So much so that you upset somebody's view of their history by upsetting their views of the past, which is why 'history wars' are so central to political and intellectual life.

**So you're saying that just as individual lives and identities are narrative-like, the understanding required in social sciences is narrative-like as well?**

Yes, there is an element of narrativity that can't be entirely cancelled out. Of course you do have also things like supposedly general laws and they are part of the understanding in the social sciences, but narratives are nevertheless essential. Take economics: the modern centrality of markets arose in history at a certain time, it didn't exist before. Furthermore, the markets themselves are differently embedded in a different society, and all that is understood in terms of transitions from earlier situations. Karl Polanyi re-writes the history of the modern market in a way that was not what the classic economists understood, and this new story upset the whole previous understanding.<sup>435</sup>

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<sup>435</sup> *The Great Transformation*. New York: Rinehart 1944.

**In opposition to the prevailing dictum of ‘historical objectivity’, Nietzsche sets in his second Untimely Meditations<sup>436</sup> the following task for the historian: to go beyond the passive observation of the flux of ‘events’ (Ereignisse) and grasp the ‘forces’ (Kräfte) that animated the past, assuming what were the ‘instincts’ of previous generations. Do you see a *similitude* between Nietzsche’s notions and your own concepts in your historically oriented works? A likely candidate could be what you called “*idées forces*”<sup>437</sup>, aiming at the efficacy or prevalence of usually political or moral ideas in a particular society – a notion maybe also parallel to Weber –, and their motivational power. How important is such an approach to you?**

I don’t see a close relation to Nietzsche in what I call ‘*idée-force*’, but it’s difficult to doubt that these exist. If you get back to the times of Luther, everybody was debating how salvation actually works, by faith or by works, in different theories. It was absolutely unchallenged that salvation was a goal. Today it’s human rights and democracy. In our society there are a very small number of people who dissent from that. Even when they are doing something terrible to other people’s human rights, like going to war in Iraq, they find some justification precisely in the name of human rights: “They are violating human rights! They’re against peace!” How do these things become unchallengeable? I wish I had the answer! But the reality of these *idées-forces* just seems to me to be evident when you look around.

**But you have made a great achievement in trying to catch explicitly those ideals which are prevalent or dominant or ‘*wirksam*’ in a given society. You are one of the few focusing exactly on this: why a notion becomes inevitable.**

Yes, and you can perhaps see from transitions why the development from a very faith inspired age to an age where there is a morality that transcends all situations took place: ‘Natural rights’ is very much the same thing as ‘human rights’, though people don’t like to accept this, and human rights define a very fundamental sense of what’s right and wrong. You can make a description of these fundamental transitions to our present form of modernity, but beyond that it’s hard for me to offer a deeper explanation.

**Towards the 1990s you begin to make increasing use of the notion of a ‘*social imaginary*’:**

**“As well as the doctrinal understanding of society, there is the one incorporated in habitus, and a level of images as yet unformulated in doctrine, for which we might borrow a term frequently used by contemporary French writers: the social imaginary”<sup>438</sup>.**

**You identify this with a kind of understanding that exists somewhat ‘between’ the explicit and the implicit levels, and that refers to “whatever understanding is expressed in ritual, in symbols (in the everyday sense), in works of art.”<sup>439</sup> How can we understand the greater importance you seem to have given to this concept over time, and its internal development – supposedly a broadening of the notion, including much more than the ‘symbolic’?**

Yes, I never meant it to have a restriction. The notion of the social imaginary was meant to lift a previous frustration with too theoretical understandings of society. How do we understand society? We have a theory. We read Rousseau, we read Locke, that’s very often part of the understanding, and societies differ in the degree to which there is theoretical foundation. Modern Western societies are much more theory-entrenched than others, but even in our case,

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<sup>436</sup> *On the Use and Abuse of History for Man* (1874).

<sup>437</sup> *Sources of the Self. The Making of Modern Identity*, Harvard University Press 1989, p. 203ff.

<sup>438</sup> *Modernity and the Rise of the Public Sphere*, The Tanner Lectures on Human Values, delivered at Stanford University February 25, 1992, p. 219.

<sup>439</sup> *Two Theories of Modernity*, Hastings Center Report 25, no. 2, 1995, p. 29.



there are understandings of what we are doing that are carried in our sense of what's appropriate to say, how it is appropriate to stand, and so on. A good example is a demonstration. People just have a very precise feeling of what's to form a demonstration: this very delicate boundary where there's some element of threat, but it must not proceed beyond that, as we see for example in the anti-globalization demonstrations that people had in Seattle and elsewhere. There's a very delicate understanding of the protests as a speech act which has a lot of aggression but which stays this side of violence. I'm theorizing now, but people just know how to do that: There's something that has developed as a mode of action. Another example: how far to stand away from somebody when you speak. Only anthropologists theorize here, but people just develop an ability to lay back and find the proper distance in a conversation. That's part of the common understanding in the society. But that's not a social imaginary in the full sense, because the latter is not just a shared understanding, but a shared understanding about how society works. So how to stand in a conversation doesn't tell us anything about how the whole society works, but something like a grasp of demonstrations is closely linked to that: that kind of society where people are free to do that within certain limits.

**Looking at some of your very original concepts dealing with more or less similar issues – can or should the concept of Social Imaginaries be distinguished from that of *Horizons*, *Mentalities* or *Moral Maps*? Are they highlighting different aspects? Is their relationship rather one of refining, or addition, or substitution?**

They refer to different aspects of the reality. *Horizon* is when you want to talk about the whole understanding of one culture regardless of what the issue is. Supposing I'm into anthropology and I find people are doing a sacrifice. Is this their religion? At first, I don't know; so you have to get over a too easy familiarity with religion and only then can you see the horizons: the whole surrounding understanding within which distinctions of religion/non-religion could figure, and then you have to try to find a way for building bridges in a language of perspicuous contrasts. Horizons figure in that kind of broad context, but they don't focus on particular issues, like how political society actually works. The study of *Mentalities* is in a similar way about the ethnographic dimension. I find the work of the 'Annales'-School, especially Braudel and Ariés, particularly useful, without sharing all the structuralist implications. Now the *Moral Maps* that people build are defined by what we are constantly referring to as important distinctions, like "I'm being original, you're just being influenced by other people". These are moral distinctions of worth.

What all these things – social imaginaries, horizons, mentalities, moral maps – have in common is an attempt to do some phenomenology. We attempt to understand how agents are understanding the world when they are acting in one or another way. Phenomenology and hermeneutics belong together. In a strict sense, phenomenology – going back to Husserl – is purely first-person description of how the world looks like. When we try to work out the social imaginary, we are not dealing with the first-person singular but with the first-person plural: we're trying to get clear what a language could be by which we can express our self-understanding related to that plural self. There lies the big opposition in the philosophy of the social sciences: some people think that the ultimate account has got to be in third-person terms, and these must be mechanistic terms. On the other hand, there are people like myself, who think that that's a delusion – you give away really good material of understanding of what people are doing for this fool's gold of reductive explanations.

**Did the notion of social imaginary *evolve* through the years in your work? Did you work it out further?**

It always gets worked out more when you apply it to different situations. In 'A Secular Age' and in 'Modern Social Imaginaries'<sup>440</sup> I'm interested in the transition to Western modernity, but then I became interested in something else now – part as a result of discussing with my Indian

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<sup>440</sup> *A Secular Age*, Belknap/ Harvard University Press 2007; *Modern Social Imaginaries*, Duke University Press 2004.

colleagues. What I discuss in those works certainly is the case for the West, but some of that didn't happen in India at all. On the other hand, Indians also have something like the modern state, something like modern democracy. People begin to work out what are the elements of the Indian social imaginary that allow them to have continuing democracy in contrast to Pakistan, which despite the fact that it was part of the same empire, went in a completely different direction. This is just to show that the whole idea of what the social imaginary could mean comes very differently when you have to work it out in different contexts.

**Trying to get a clearer picture of what should be the proper relationship between the historian and the past, we would like to ask you about your estimation of the British philosopher and historian *R. G. Collingwood*, who also regarded history as an activity rather than an object, claiming that the historian has to re-construct history:**

**"The past as such is not known, either in historical thought or in memory, in any kind of sense in which knowledge could guarantee real existence (...) the work of interpreting [the sources] proceeds according to principles which [the historian] creates out of nothing for himself; he does not find them ready-made but has to decide upon them by an act of something like legislation."<sup>441</sup>**

**How close you feel to this view?**

I can see where he's trying to get at. When you're dealing with the gap between yourself as the knower, a twenty-first century person, and, say, the eighteen century, that's where the hermeneutical element has to come in. You can be talking, for instance, about religion and then you start to get insights – sometimes by reading a text, by reading a novel – that the place of what we would call religion is very different in that society; and that is the creation of a new scheme. That's the truth behind what Collingwood is getting at. The other side of the coin is: You can argue that developing a scheme gives you better insight, certain things that were totally puzzling now make sense to you; so some of the rhetoric he is using makes it sound like a matter of complete invention. However, he is saying something very important and we can enlarge it further by what Kuhn says about paradigms.<sup>442</sup> Paradigms are invented: suddenly the idea comes to you. They sometimes release you from certain puzzles that you couldn't solve at all, and then you have a new way of resolving these anomalies, and this enriches your knowledge. So there are these two sides.

**Very prominent in the field of the history of ideas is the so-called *Cambridge School*. You are both a long-time interlocutor with many prominent figures and named as an important inspiration by them. This is the case most notably with Quentin Skinner and John Dunn. This Cambridge approach is usually associated with focussing on how to make sense of historical texts, focussing on their role as political action or intervention in a certain context or discourse – famously: 'The Pen is mightier than the Sword' –, instead of examining 'eternal ideas' or purely contemporary uses of concepts. This approach is thus, following Nietzsche<sup>443</sup>, tracing struggles for rhetorical re-descriptions of evaluative terms. How would you place yourself against this approach, do you see more similarities or differences?**

There are lots of similarities. I certainly agree that it is very important to get back to what was actually at stake, and I'm less critical of John Dunn – his "Setting the People Free" is an excellent book<sup>444</sup> – than I have been of Quentin Skinner. It seems sometimes that Quentin is assuming that people have interests in sort of the same sense we recognize our contemporaries as having an

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<sup>441</sup> *The Idea of History. With Lectures 1926-1928*, Oxford University Press 1994, p. 365 and 368.

<sup>442</sup> *The Structure of Scientific Revolutions*, University of Chicago Press 1962.

<sup>443</sup> See Q. Skinner, *Visions of Politics 1*, Cambridge University Press, 2002, 175 ff.

<sup>444</sup> *Setting the People Free: The Story of Democracy*, Atlantic Books 2005.

interest; he has trouble in making that kind of really big shift Collingwood wants to make, where you see that it all works together very differently. In other words, what's lacking is a little bit of the ethnographic insight, to understand people in their different cultural contexts. If you make appeal back to interests and so on, very often what you are doing is seeing them the way you see the modern situation, which makes a lot of sense for them, but it doesn't necessarily make a lot of sense to people in this very different situations. It's that ethnographic sensibility, which applies for the past as well as to distant societies, which I feel is essential for this kind of work.

**The crucial importance of presenting history in a certain way is often neglected or ignored. Among others, there is the aforementioned style of *narration*, the telling of a story, which is very present in your works. By acknowledging this, one might say that history isn't merely concerned with assumed 'facts', ordered in a seemingly neutral way, and less interested in maximising accuracy – a view radicalised by the 'linguistic turn', and Hayden White in particular<sup>445</sup> who admonished that everything is literature –, but in providing a convincing interpretation. Would you say your approach is rightly understood that way?**

Yes, Hayden White has made a very important intervention in making you see the tremendous analogies between various ways of 'emplotment', and that doesn't surprise me so far as I'm always stressing the importance of narrative forms. There is some analogy between writing history and writing a novel. However, this doesn't mean that we're doing something different from trying to adjudicate truth. As I was saying earlier about paradigms: one paradigm is superior to another one, because when you understand the events in the structure of this paradigm, a lot of things open up and you can see causal dependency that you didn't see before, which you can track and thus get closer to the truth. And there isn't any detailed event that is irrelevant to this. If you reconstruct the French Revolution the way Francois Furet<sup>446</sup> does as against the way Albert Soboul<sup>447</sup> and the Marxists did, a lot of things that you were trying to ignore before, are possible to be made sense of now; and the more detailed the account the better because what you're doing is trying to get at things *wie es eigentlich gewesen ist*.

**Given the powerful influence narratives have in defining our identity, are narratives social imaginaries *themselves*?**

Yes, a very important element in any social imaginary is the narrativity. It's very interesting to look at this in the political debates. Today everybody is invoking – all the different parties, all the different outlooks – another story. Social imaginaries are focusing on our political society, and an extremely important part of their self-understanding is the narrative element. Look at the Americans. Obama takes this phrase from the first line of the American Constitution ("We the people of the United States in order to make a more perfect union...") and uses it as a powerful narrative: "it's been for about two hundred years we have been in this business of making a more perfect union and made certain steps: we got rid of slavery and now we are going to have a better health system"; and on the other hand the Tea Party says "No, in the past Americans stood on their own feet, but with Roosevelt and the Democrats and the Welfare state, it has been downward all the way, and we have to get back to that original moment of steadfast independence." Here we have a completely different reading. This example shows how essential narratives are, because they both lay claim to all the legitimacy which for Americans surrounds the founding of the Republic.

**Is it then that social critique should be mainly *directed* to the narratives that we tell to ourselves as opposed to the institutions by which we actually live now?**

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<sup>445</sup> *Metahistory: The Historical Imagination in Nineteen-Century Europe*, The Johns Hopkins University Press, 1975.

<sup>446</sup> *La Révolution Française*, Paris: Hachette 1999.

<sup>447</sup> *La Révolution Française*, Paris: Gallimard 1984.

We have to do both, because either you support the institutions or you undermine the institutions by your narratives. The Tea Party narrative in undermining the whole development of the very feeble American Welfare state – much less imposing than anywhere else in the Western world –, whereas Obama's story is saying "yes, it is feeble, but it needs to be completed." If you took the narrative out of this, it would all fall into two economists debating whether this policy works better than that other one.

**The most powerful version of a historical critique thus is the procedure of "*Genealogy*", which can be – as you put it yourself<sup>448</sup>– immensely destructive and subversive, as in Nietzsche and Foucault, by showing an arbitrary, contingent or violent emergence. Potentially, though, this genealogy might also be done with affirmative intent or even as a mixture of both – a key element of your normative stance towards historical development seems to be in highlighting its ambivalent nature, which can be a critique in itself – but in any case aiming at an effect on the legitimacy of an institution, a value, a practice. How would you see the importance of these effects in general and in your work in particular? Would you say your work has also a genealogical quality in some sense?**

I agree. It can be a very powerful form of critique, and it can have an affirmative side as well. I don't take genealogy as necessarily always debunking, although it very often has such debunking elements. So the question we might ask is: "is it always worth it?" And I think that it's always worth it, because, first of all – I'm taking my stands with Aristotle – human beings desire to know, but also because there is even a moral goal here besides of just knowing, which is being able to live with the truth. If we have trouble living with the truth, it's probably that we are attached to certain things that we shouldn't be attached to. Does it do people moral good to come to accept this? Yes, because otherwise they are living in a paradise of their own exceptional goodness which is not morally healthy. Acceptance that some terrible things were done in the past triggers reconciliation; there's something very positive and moral about that in human life: that you can live without these dreams of unreal goodness and face the full truth of history and still not collapse morally in this. This implies as well that there are still values that you rightly appalled and still things to be done – that you aren't perfect.

**Would you say that your quarrel with 'subtraction stories'<sup>449</sup> has some genealogical elements? Actually you are not claiming right away that the contemporary mainstream stance on secularity is just wrong, but you are *showing* it in a historical way.**

Yes, because I think what's wrong with subtraction stories is that they don't understand at all how history actually works, which involves new fundamental understandings of human agency, which means that you become different people. The subtraction story assumes that we were exactly like we are today, except that they had a couple of extra beliefs that we threw off. But that's not how it was like. We are very different kinds of beings, based on individual responsibility and freedom. We had to reconstruct ourselves in a certain sense to become what we are.

**How *radical* can and should social and political thinking be in its *historicising*, if anything can be said about it in general? This question reverberates in the interpretation of your works, which are on the one hand seen as some kind of invariant substantialism – stressing anthropological factors, and on the other hand as some form of cultural relativism – stressing the contingent role of 'western' modernity?**

The whole difficult issue is to reconcile those two. There is obvious cultural variation with, it must be said, certain constants. Evidently, the task is how to define them – and that is at the heart of the problem. My intuition is that we'll perhaps never get it totally right, but we get

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<sup>448</sup> In *Sources of the Self*, p. 72.

<sup>449</sup> In *A Secular Age*, p. 22.

nowhere at all when we just say: “Everything is totally variable”. The opposite way, to rely, for instance, on things like selfish genes, doesn’t help either, because that’s not the way that human beings are actually motivated. What we really need is some understanding of how cultural variations, very different from society to society, come about. We need historical accounts how they can happen.

**Are firm *standards of critique* are necessary for taking up a critical stance towards contemporary conditions? For reasons of scientific accuracy one might be tempted to exclaim “yes of course!”, but in debates about different forms of critique<sup>450</sup>, a more nuanced picture emerges. Focussing on promising candidates in relation to your approach, there is the aforementioned genealogy, working merely through the description itself; there is ‘interpretive critique’ (Walzer), relying on already existing meanings and values in a specific political community; and there is ‘reconstructive critique’ (Habermas, Honneth), grounded on a deeper level, that is on formal human constants like rationality or recognition, which tends more towards definite standards without the need of having a “view from nowhere” (Nagel).**

Effective critique has to identify what you can build on in the present situation, and what needs to be overcome. Just saying: “The whole problem is that human beings are too selfish” – very insightful! Where do you go from there? Certain views of human beings, merely proposing that one should comply with reason, are almost as irrelevant as to say: people are just selfish. Especially someone like Michael Walzer, on the contrary, is a positive example – without saying that I agree on all the details. He poses crucial questions like how our society is worked up, what the things are that move people, and how we can channel that to get over the identified wrongs. One needs to take into account that he’s speaking, like every critic inevitably does, from a certain position, with certain commitments, in this case as a Social Democrat. So he claims certain obvious things from that point of view, like, very basically, social justice. His essential contribution lies in the suggestion to build on forces of motivation which are already present and could be released by making this and that change. So, a really effective critique has to identify what’s empirically given, what’s valid, what’s valuable, as well as what needs to be changed. It’s really of how you get from here to there.

**Following up on this: what is your stance towards the *Frankfurt School in general* and the different stages of its development in particular? There seems to be some potential for quarrel on the level of political theory with more recent trends towards a thoroughly liberal orientation, invoking what you call a single principle doctrine. But especially with Honneth – maybe due to his more Hegelian approach – one can easily identify a lot of connections and common themes with you.**

The older Frankfurt School around Adorno/ Horkheimer has done very insightful work on how the rational is to be understood and on its limits. Honneth’s work goes very deeply into the same issues I’m concerned with – like recognition, which was even developed at more or less the same time. What I find indeed as implausible is the idea that you could have a single principle of morality, as in subtraction theories and even some current strands of Critical Theory. That’s because ethical life or “*Sittlichkeit*” is very different from the way that it’s imagined by people who have either a Kantian or Utilitarian outlook. Those are similar in the respect that they offer a single principle or a set thereof, in short usually maximising utility or some version of it. There are very sophisticated versions of the Kantian point, like that of Tim Scanlon<sup>451</sup>. Still, everything is supposed to be justified in terms of rights and duties. Why do I think this doesn’t make sense? Well, that’s not the way morality actually develops in human life. What we have to take into account is the complex development of the whole range of virtues and senses of the good, and

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<sup>450</sup> See esp. Mathias Iser, *Empörung und Fortschritt. Grundlagen einer kritischen Theorie der Gesellschaft*, Frankfurt/ New York: Campus 2008, p.7-83.

<sup>451</sup> *What We Owe to Each Other*, Harvard University Press 1998.

how these are being invoked and acted out in practices. In order to make this slightly less confused and complex, you can separate out two dimensions: One does indeed deal with what we owe to each other, but there is another whole range of things when we talk about good ways of being human: being brave, courageous, generous, kind, understanding, sensitive to other people. The various attempts of the single principle doctrine only take in the first range. The kind of thing that arrives when I ask myself “How should I live my life?” is not simply exhausted by the Just. Proponents of the first strand, like Habermas, actually take that out of it, and say that the question of the good life is, and should be, outside. They are making a strong distinction between ethics and morality. You can’t separate that strictly, and you can’t simply abstract one side and say: that suffices. We’re left with a totally different kind of rationality, which I think is what we actually do, as I’ve been arguing in “Explanation and Practical Reason”<sup>452</sup>. This deals with supersession: I come to see that I had a very self-absorbed understanding of myself, so I didn’t understand what friendship was really about. Now I come to see a narrative transition, I come to see better what’s involved in this code of friendship, or what real courage is, or what generosity really is. Iris Murdoch<sup>453</sup> is very convincing on this. That is a way in which we can correct ourselves and get a more valid grasp of some of these goods.

### **Are your differences with *Habermas* abating?**

The difference now has become less big. Already in an early stage he began to peel off the good life, which you can’t do. The difference was greater when he said: “It’s all morality”, and some of that still remains. I think that we’re not likely to close the gap any further. He’s very deeply committed to that kind of rationality. I respect the human experience underlying all this: the way he grew up, being 16 when the war ends, struggling for a robust break with National-socialism in post-war Germany, appealing to the nation in order to change it for the better. Under these circumstances, he thought that we have to have this very firm basis for our moral reasoning. Hypothetically, under different conditions, I could have easily bought his direction, but I just don’t think it works.

**Let’s shift the focus to social change. In relation to the account of modernity given in ‘Sources of the Self’, you wrote: “For the moment I confess to lacking a very clear and plausible diachronic-causal story.”<sup>454</sup> Some fifteen years later in ‘Modern Social Imaginaries’, you have tried to give an explicit account of historical change, acknowledging multiple factors operating behind the rise of modernity. Could you say some words on the problem of *causation* as you see it today?**

I still think that there couldn’t be a single answer to the question of causation. All we’re left with is trying to trace particular changes. The more we trace many different changes, the more we have the sense of a bigger picture. One very important way that change comes about that we’ve seen in modern history is the inculcation of certain disciplines: of self-disciplines like controlling my behavior, of social disciplines like controlling ourselves, of military kinds like parades and battle formations, or just organizational savvy concerning our financial system so we can raise more money and produce much greater power. You see this happening with Russia under Peter the Great after being defeated by the Swedes: a great motivation to find the secret of their superiority arises. There is this very powerful kind of exogenous impulse to change, which may have been based on nothing within the “*Vorstellung*” of a given society, but virtually becomes irresistible, with certain elites obviously playing an important role. In other cases, there’s something completely different happening, though always entangled in manifold ways. Take Max Weber’s famous Protestant Ethic book, there’s still a lot of truth to that.<sup>455</sup> Critics constantly fall below the level of sophistication of Weber. He didn’t say: nothing else mattered. He said: of

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<sup>452</sup> In *Philosophical Arguments*, Harvard University Press 1995, p. 34–60.

<sup>453</sup> *The Sovereignty of Good*, London: Routledge 1970.

<sup>454</sup> Op. cit., p. 203.

<sup>455</sup> *The Protestant Ethic and the Spirit of Capitalism* (1930).

course there was a double-entry book-keeping, which was a very important background condition of the move to another kind of capitalism, and he brings in the patriot kind of religious aspirations. He was very aware of the incredibly multi-faceted causal story, but what is really fascinating is his idea of narrativity. What's interesting to him is the trigger factor that pushed this in a new direction, and that he tries to bring out.

**Is it helpful to think in more *formal* terms? In opposition to unilateral idealist or materialist accounts, a formalist solution could be to focus on the incoherence between different levels of self-interpretation –explicit/implicit and societal/individual – in order to explain a momentum for change?**

That could be, but I'm suspicious of any formalism, and idealism versus materialism is a totally bankrupt discussion. You're closer to the truth when you're saying that it takes both – as if just a single formula could do it all. If you have the perspective of what's the base and the superstructure in a Marxist sense, then economic organization would be the base, but of course there is a great deal of self-understanding involved as a necessary condition thereof: you've got to understand yourself and everybody else as individuals, you've got to understand the contract as the sacred link, and other features of self-understanding without of which this so-called base wouldn't exist. One can't simply explain the superstructure by the base or the other way round. Ideas are powerful because they are woven into practices. However, you're right that in certain cases, this notion of incoherence could be utter true. Maybe our democracies are decaying because certain kinds of individualism arose which were inimical to the sense of individual responsibility. But alongside of that was the idea of a society of equals, which is portrayed magnificently by Pierre Rosanvallon<sup>456</sup>. Maybe a certain kind of individualism is breaking us away from the sense of importance of being equal. You can see it in the continuing spread between the rich and poor: various subcultures of the rich develop a life behind gated communities where they keep the others out, and there are sections of the society in various ghettos that are in real utter need. Maybe we're developing modes of life, of self-understanding, which are completely incompatible with our democratic structure.

**The birth of the modern culture is characterized by a radical transformation of the way we view man and society. In your historical works, though, you even draw lines of continuity that stretch back to the development of the 'axial religions' (last millennium B.C.) where a slow process of 'disembedding' of individuals started to take place. This prepared the way for the modern individualist, 'disengaged' worldview, a necessary precondition for the rise of modern institutions. The continuity lines do not fully help us understand the sudden rupture with the past, why for example only in Latin Christendom there is momentous dissatisfaction with what you called 'hierarchical complementarity' (a feature shared by all ancient civilizations, referring to different functions of unequal social groups), which leads to 'Reform' (a key concept in "A Secular Age", referring to the aspiration to make over the whole society)? How can we make sense of this relation of *continuity and discontinuity*?**

I wish I knew. One issue which is very crucial and people have asked me about is: I assume in "A Secular Age" a long-standing vector towards "Reform" that kept going. You can understand that in terms of a basic notion of empowerment through certain kinds of disciplinary forms in societies, which others want to imitate or to intensify. However, the answer to your general question could only be given by a micro-story, because when you're trying for example to look back on the 11<sup>th</sup> century from the 21<sup>st</sup> century, the changes are so massive, and of course it didn't happen at one moment. In trying to figure out some elements, you get a certain stance of the church towards the state, or the investiture controversy, the attempt to centralize power of the papacy, and so forth. So you get a series of micro-steps, and if you follow it very closely, the sense of a surprising moment might arise, and one might get an idea of how this vests. It's in that

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<sup>456</sup> *La Société des égaux*, Le Seuil 2011.

kind of way that I would probably resolve the issue of discontinuity. The question remaining being: Why does this vector continue? To understand why, you need to know what it starts. Let's say, catastrophically, in 2030, our democracies are totally gone. What happened? The micro-moves of the 1970es and 80es, where you have a very unfortunate "Ethics of Authenticity" in the context of capitalist consumerism, led to a new kind of individualism, and this got expressed in Reagan and Thatcher. It looked like a pretty unimportant change at the time, but could have catastrophic consequences, maybe becoming understandable only by looking back from 2050. However, there are risks in combining the big picture and various micro-stories: historians are always saying this or that fine detail of my story doesn't work. I recognize that I'm never going to have the time to do this, but I do recognize that the story I'm telling is fallible.

***Social movements appear to be a key feature of modern societies. In connection with the theory of the eminent ethnologist Victor Turner, you speak about the phenomenon of protest in the following terms:***

**"One of the places that anti-structure [as, in pre-modern times, the Carnival and other medieval rituals which broke the existing social codes of behavior and roles] has migrated is into the private domain, and the public spheres sustained out of this. But this is not all. The call of anti-structure is still strong in our highly interdependent, technological, super-bureaucratized world. In some ways, more powerful than ever. A stream of protests, against central control, regimentation, the tyranny of instrumental reason, the forces of conformity, the rape of nature, the euthanasia of imagination, have accompanied the development of this society over the last two centuries. They came to one climax recently, in the sixties and seventies, and we can be sure this is not their last."<sup>457</sup>**

**On the one hand, social movements are embedded in a modern culture of voluntary participation in the public sphere; but on the other, their 'emergence' requires an additional explanation – like crises, political opportunities, resources etc. How can we make sense of the appearance of social movements?**

Talking of anti-structure, you also have festivities like mass concerts today which have a certain analogy with earlier forms. Some of them don't have a particular set of goals, but social movements do. Let's take the example of the "Occupy" movement: they are on the boundary, having a certain element of festive occasion, but they have a definite point in protesting against something. In a way, there isn't an issue in explaining why these arise, as there are always plenty of motivations: terrible things happening in our society and we're drifting towards even more terrifying consequences. Half the inhabited world could rather soon be under water, or the major rivers in Asia could dry out, or the ice cap in the Himalayans melt, and you could go on and on. Plus the fact that there are these outrageous differences between rich and poor, which is what "Occupy Wallstreet" and the other local versions all over the world protest against. It's so frightening obvious that something needs to be done. It would really be surprising if no-one were out there.

**However, for social scientists, it's sometimes puzzling why protests *don't* take place despite the existence of those terrible problems, even within countries with a culture of participation. Why is it that at a *certain point* these movements emerge? In the aforementioned quotation, you pointed out that in the 60es and 70es we witnessed a strong wave of protests. Looking at the better part of the last decades, it seemed to be rather quiet, but now we have this new world-wide wave of social movements.**

I was giving an explanation at a very easy level: here are these terrible wrongs – of course people are going to protest. Why they protest right here, right now, is very hard – if at all possible – to

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<sup>457</sup> A Secular Age, p. 53.



pinpoint. Sometimes spectacular events happen, which obviously have an effect in triggering protests, and you can make a closer connection to their targets. That also concerns the dating of their emergence, like relating “Occupy” to the 2008 collapse of the economy. Still, in many cases, you can’t explain the moment properly – for example, why do nuclear disarmament movements start in the 1950es, why didn’t they start in the 40es? Trying to look into the future, with all caution, I venture to say that there are going to be more spectacular events in the field of global warming which are going to trigger off even more powerful movements.

**In terms of political and social theory, could there be a defining feature of our contemporary predicament, like the crisis and dysfunctionalities of *Capitalism*, or like *Post-Democracy* as hinted to for example in your “Legitimation crisis” or “Malaises of Modernity”<sup>458</sup> – not the formal opportunities for participation are decreasing, but either the will to participate, or the effect participation actually has?**

There is something to the Post-Democracy thesis, and maybe it’s related to problems of capitalism. Each age cohort, in general, votes less than the previous one. We’ve seen it long enough to know that it isn’t a life-cycle; it seems to be a pattern that people keep throughout their whole lives. It’s worrying, and part of that is a sense that it doesn’t make any difference, that I can’t affect anything. That’s why the Obama movement in 2008 was very significant with its slogan “Yes, we can”. The idea was: you might feel helpless alone, but we, all getting together, can affect change. Frankly, I was very hopeful when Obama was elected, but very disappointed later on. Many people didn’t vote in the mid-term elections, which produced a house of representatives that is hostile to Obama, and thus a deadlock. People might have felt some kind of a magic sense: get Obama there – it’ll have to break. It could have been a wonderful government, but the people didn’t really understand what they were doing – real change is only possible if you hang in there. However, the original movement was very powerful, and it shows that there are lots of people who are not just disinterested. But, talking of Post-Democracy, we don’t know fully the reason for this decline. Maybe it’s reversible, but to what extent remains unknown for now. Certainly these changes are characteristic, and they delegitimize democratic institutions. The fact that a decision has been taken by the parliament or the government will cease to weigh as the legitimating argument.

**A major debate in contemporary political philosophy is about the notion of “*the Political*”.<sup>459</sup> This concept aims at capturing the constitutive role of antagonism in social life, focussing on highly politicized moments of founding and superseding of normative orders. The concept itself is supposed to challenge liberal thought, namely rationalist, universalist, and individualist outlooks. Mostly invoked by adherents of radical democracy, the notion of the Political can be divided into two main traditions, identified with Carl Schmitt and Hannah Arendt. Yet, it can be found in the field of the history of conceptual change as in Pierre Rosanvallon, who you appreciate a lot, and also in Cornelis Castoriadis, who was of some influence for your concept of social imaginaries that we discussed earlier. Would you place yourself in one of these traditions, or can’t we have one without the other, or is it necessary to go beyond those distinctions?**

Perhaps an ideally healthy democracy is one which is traversed by one big class conflict or cleavage. That’s neither Schmitt, nor exactly Arendt. Perhaps understandably, I have more sympathy with Arendt than with Schmitt. Nevertheless, the reality is between those two. It may be the case that democracy requires some kind of class struggle, as already Machiavelli saw it, but with certain limits. There’s something to that, in which case neither Schmitt nor Arendt is completely satisfying. The real power of Arendt’s work is focussing on the moment of revolution. She was very excited about what happened in 1956, the revolutionary councils developed in

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<sup>458</sup> In *Philosophical Papers II*, Cambridge University Press 1985, p.248-288; *The Malaise of Modernity*, Concord: Anansi Press 1991.

<sup>459</sup> Chantal Mouffe, *On the Political*, Abingdon/ New York: Routledge 2005.

Hungary and elsewhere, and of course the significance of a founding event. In Schmitt, simply put, the founding sense is that you have this division between foe and friend, which is essential to all political situations. In a way, the Political is about continual re-emergences of such founding moments. I'm more and more convinced that what I've called somewhere else 'tolerable conflict'<sup>460</sup>, this mode of conflict which will not destroy our reaching collective decisions, is perhaps the healthiest condition for democracy. However, it's always worth going beyond the given level of theoretical reflection, as the mentioned debate about the Political aims to do. That's why I find the work of Rosanvallon constantly interesting, he's always taking up different aspects. In "La Contre-Democracy"<sup>461</sup>, he makes an important point about our democracy which consists in the stopping of things from happening. How do you combine that with democracy resolving the big issues? "The Real World of Democracy"<sup>462</sup> is endlessly very fascinating, and there are so many different facets and dimensions to it.

**To conclude: At the dignified age of 81, looking back at your own history and a tremendously impressive body of work, would you still call yourself a "monomaniac"?<sup>463</sup>**

Yes, I'm still on the same issues, but I see much more needs to be done. I would be very pleased to do so living till 150, there's easily enough work to fill the whole period, if I were to do it myself. I feel that I've just begun to address the real questions. All the things that concerned me really relate to the understanding of what human life is. What is this work against? It has a clear set of adversaries, that is, people who have reductive, mechanistic, plus – these go together – atomistic understandings of human life. There's a whole other philosophical anthropology which I'm trying to work out, that's the monomaniac. It may not look monomaniac simply because it's handled from different angles, by sociology, by philosophy, by linguistics, by history – but that's an illusion. They actually are one set of problems and issues which are very closely tied together. You can only answer these questions at the borderline of all these different disciplines, and that is what needs to be done.

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<sup>460</sup> In *Cultures of Democracy* 2012, unpublished manuscript. See also: *Cultures of Democracy and Citizen Efficacy*, Public Culture 19:1, 2007.

<sup>461</sup> Engl.: *Counter-democracy: politics in an age of distrust*, Cambridge University Press 2008.

<sup>462</sup> C.B. MacPherson, *The Real World of Democracy*, Oxford, Clarendon Press, 1966.

<sup>463</sup> *Philosophical Papers I*, Cambridge University Press 1985, p. 1.

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## **Eidesstattliche Erklärung**

Hiermit erkläre ich, dass mir die geltende Promotionsordnung bekannt ist; dass ich die Dissertation selbst angefertigt, keine Textabschnitte eines Dritten oder eigene Prüfungsarbeiten ohne Kennzeichnung übernommen und alle benutzten Hilfsmittel und Quellen in meiner Arbeit angegeben habe; bei Auswahl und Auswertung des Materials sowie bei der Herstellung des Manuskripts keine entgeltliche oder unentgeltliche Unterstützung in Anspruch genommen habe; die Hilfe eines Promotionsberaters wurde nicht in Anspruch genommen, Dritte haben im Zusammenhang mit dem Inhalt der vorgelegten Dissertation weder unmittelbar noch mittelbar geldwerte Leistungen von mir erhalten; ich habe die Dissertation noch nicht als Prüfungsarbeit für eine staatliche oder andere wissenschaftliche Prüfung eingereicht, und keine gleiche, in wesentlichen Teilen ähnliche oder andere Abhandlung bei einer anderen Hochschule bzw. Fakultät als Dissertation eingereicht.

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